

SUPPLEMENT

TO THE

REVISED STATUTES OF THE UNITED STATES.

VOL. 1.

SECOND EDITION; REVISED AND CONTINUED.

1874-1891.

FORTY-THIRD TO FIFTY-FIRST CONGRESS, INCLUSIVE.

EMBRACING THE STATUTES, GENERAL AND PERMANENT IN THEIR NATURE, PASSED AFTER
THE REVISED STATUTES AND IN FORCE AT THE END OF THE FIFTY-FIRST CONGRESS,
WITH REFERENCES CONNECTING PROVISIONS ON THE SAME SUBJECT, EXPLANA-
TORY NOTES, CITATIONS OF JUDICIAL DECISIONS, AND A GENERAL INDEX.

PREPARED AND EDITED BY

WILLIAM A. RICHARDSON,
CHIEF JUSTICE OF THE COURT OF CLAIMS.

BY AUTHORITY OF CONGRESS.

U. S. Laws, Statutes, &c.

WASHINGTON:
GOVERNMENT PRINTING OFFICE.
1891.

Copies

LAW
Copy

MEMORANDA.

The legislation of Congress may be found on pages 312, 713, authorizing this publication and making it *prima facie* evidence of the laws therein contained in all the courts of the United States, and of the several States and Territories, as printed copies of the Revised Statutes and of the Statutes-at-Large are made by the acts printed on pages 22, 134, 153.

By the acts of 1878 and 1880 (pp. 205, 312) the Secretary of State is required to keep copies for sale at the cost of the paper, presswork, and binding, with ten per cent added thereto.

II

Gift
Mrs. Otis T. Wingo
Jun. 2, 1937

PREFACE.

This publication is neither a revision nor a consolidation of the statutes.

It is a reproduction of the laws enacted since the passage of the Revised Statutes which are neither obsolete, local, temporary and expired, special, superseded, nor repealed, arranged in chronological and numerical order as engrossed on the rolls in the State Department, with copious notes and cross references.

It is the result of a system of references begun by me, for my private use, soon after the passage of the Revised Statutes in 1874 and continued to the present time.

When the Fiftieth Congress expired in March, 1889, the manuscript of the legislation up to that date was substantially ready for the press, and my task would have been much lighter had the work closed at that time; but the act authorizing the publication required the legislation of the Fifty-first Congress to be included.

That Congress was prolific in legislation, altering, superseding, or repealing many acts of every one of the previous eight Congresses, and adding about two hundred and fifty pages, or more than one-fourth, to the body of the work. This made it necessary to revise and rearrange all my previously prepared manuscript, and it was physically impossible alone to do so much within the time contemplated when the act authorizing the publication was passed, and have the work ready at the assembling of the Fifty-second Congress in the December following.

I was fortunate, however, early in March last, to secure the valuable assistance of George A. King, esq., and William B. King, esq., both of the city of Washington and members of the bars of the Supreme Court of the United States and the District of Columbia. To their industry, care, and judgment I am much indebted for whatever degree of merit the work has attained.

At the outset the problem, prescribed in the act authorizing the publication, of putting the whole into one volume confronted me. This has been accomplished by restricting the matter to such acts and sections as are supplementary to the provisions contained in the Revised Statutes and such as would be properly included in a new revision if one were to be made, with some others so nearly allied that they could not well be omitted. In this particular the Revised Statutes of the United States for the District of Columbia, passed at the same time, have been regarded as within the meaning of the act, and therefore many local acts relating to the District are included, as in the former superseded volume, which otherwise would have been omitted. Any other course would have swollen the work to several thousand pages, and rendered it altogether too large for one volume. But nothing has been omitted without a good reason.

A new feature has been introduced of referring in the margin where acts are noted to both the previous and the subsequent pages of the volume. This has been done not without considerable difficulty, and it is hoped that it will add greatly to the convenience of the work.

At the beginning is a table of sections of the Revised Statutes, repealed, superseded, or connected with subsequent legislation, with references to the pages of this volume where the new provisions may be found.

Copious notes have been added to many of the acts, specially mentioning all legislation on the same subject with explanations.

These notes, the numerous cross references, and the table of altered sections of the Revised Statutes, supplement the index and render it easy to find all the statute law on any given subject.

WILLIAM A. RICHARDSON.

NOVEMBER 2, 1891.

SECTIONS

OF THE

REVISED STATUTES

REPEALED, ALTERED OR AFFECTED BY SUBSEQUENT LEGISLATION.

<i>Sections of Rev. Stats.</i>	<i>Page of this vol.</i>	<i>Sections of Rev. Stats.</i>	<i>Page of this vol.</i>
1	764	158	395, 641
18	421	160	75
19	421	161	120
20-27	superseded 888	162	409
25	76	163	120, 394
28	99, 421	163-172	75
38	74, 119	164	392
40	348	166	375
45	348	167	120
47	119	169	76, 374
48	119	172	repealed 374
52	16, 99, 376, 382	173	513
53	16, 382, 409, 876, 925	173-175	76
54	31, 203	177	4, 75
56	254, 348	178	76
60	17, 794	179	4, 373
64	633	180	substitute for 888
65-69	567	183	192, 224, 360
70	794	184-186	360
72	382, 876	193	18, 135, 457
74	81	194	773
76	254, 627	198	150
77	422	200	17
78	2, 56, 422, 423	202	17, 564
80-101	196	204	substitute 57
82	416	211	17, 298
84	564	212	17
85-87	416	215	4, 707, 926
89	416	216	9
93	884	221-223	879, 895
94	96, 416	222	380, 486, 879
95	597	223	46, 380, 420, 486, 879
97	634	227	879
98	634	228	9
101-104	446	231	895
107	69	234	772
127	substitute 553	235	3, 75, 76, 926
128	252	236	563, 626
130	252	237	877
131-135	525	249	83
133	525	250	502
136	repealed 525	254	152, 173, 200, 251, 357
138	525	256	repealed 37
439	525	257	791, 811
140	525, 635	257-262	83
141	substitute 635	258	375
142	526	262	17
146	repealed 487	267	409
147	repealed 487	268	75
148	repealed 487	269	388
149	repealed 487	276	407
150	repealed 487	277	110, 306, 481, 563, 793, 926
151	487	283	194

<i>Sections of Rev. Stats.</i>	<i>Page of this vol.</i>	<i>Sections of Rev. Stats.</i>	<i>Page of this vol.</i>
294	419	544	172, 277, 900
300 A	159, 403	547	181, 202, 392, 471
300 B	159, 403	547-552	90
301	75	548	217, 265, 297, 674, 885
301-311	489	552	181, 510
302	489	554	181, 219, note 336, 320, 896, 927
304	489	555	106
306-308	475	556	substitute 129
316	75	558	203, 345
319	76, 629	560	290
322	3	563	31, 34, 68, 106, 460, 614, 799
325	3, 76	563-571	431
339	71	571	substitute 129, repealed 639
340	462	572	Terms of district courts in—
343	315	Alabama	39, 427, 760
343-345	315	Arkansas	129, 546, 638, 707, 760
344	315	Connecticut	270
345	17	Colorado	281, 510
348	773, 916	Florida	214, 500
349	201, 291, 927	Georgia	277, 439, 643, 650, 954
355	698	Illinois	552, 606, 764
359	403	Indiana	46, 327
360	502	Iowa	3, 290, 584, 895
384	18, 270	Kansas	245, 608, 744
386	20, 21, 382, 643	Kentucky	271, 607
387	20	Louisiana	325, 615
389	135, 927	Maine	423
391	5	Michigan	198, 199, 543, 615
392	5	Minnesota	719
393	715	Mississippi	344, 583, 638
394	43	Missouri	note 544, 738, 790
414	72, 245, 246	Nebraska	617
416	290, 772	New Hampshire	317
417	25, 325	New Jersey	607
419	678	New York	334
429	193, 318, 473	North Carolina	196, 538
432	160	North Dakota	649, 716
435	900	Ohio	172, 277, 361
436	303	Pennsylvania	515
437	78	South Carolina	638, 718
437-439	194	South Dakota	649, 706
445	80, 200, 555, note 913, 914	Tennessee	295
446	note 913	Texas	439, 674, note 703
448	772	Vermont	10
450	200	Virginia	806
453	11	Washington	649, 711
460	631	West Virginia	153, 587, 638
461	substitute 582, 631	Wisconsin	14, 515
462	84	572-658	719
466	914	577	271
468	80, 121	578	271
469	80, 221	579	481
470-474	711	581	346, 607
472	374	583	564
474	73	584	321
481	77	596	106, 266, 321
487	453	604	320, 558, note 901
490	77	607	38, 39
504	516	608	18, 39, 106, 639
508	376	619	203, 552
510	150	624	106, 431, 737
220-529	299, 345, 641	627	51, 63, 68, 77, 106, 431, 460, 611, 614, 799
527	70, 774	629	62, 903
528	437	631	903
529	481	631-636	903
530	106, 325, 649	632	903
531	325, 390, 513, 606, 607, 615, 718, 744	633	903
532	214, 427	634	38, 39, 903
533	substitute 129, 497, 533, 546, 671, 674, 724	635	903
534	214	636	84, 612
535	276, note 336, 643	639	614
536	360, 552	640	85
537	358, 895	740-742	614
538	198	641	614
539	superseded 344, 500, 547, 584	642	614
540	543	643	77, 614

<i>Sections of Rev. Stats.</i>	<i>Page of this vol.</i>	<i>Sections of Rev. Stats.</i>	<i>Page of this vol.</i>
645	77	741	85
646	77, 83	742	85
647	613	747	217
650-652	359	748	254
658	439, 717, 718	751	432
Terms of the circuit court in—		752	432
Alabama	39, 427, 760	758	651
Arkansas	546, 638, 707	759	651
California	98	763	485
Colorado	281, 500, 510	764	substitute 485
Florida	214, 500	767	18, 39, 222, 336
Georgia	277, 439, 510, 643, 954	767-793	219, 326
Illinois	552, 606, 764	770	726
Indiana	46, 327	771	514
Iowa	290, 584, 895	771-776	671
Kansas	245, 744	776	18, 39, 106, 336, 432
Kentucky	271, 607	776-795	48
Louisiana	325, 615	780	48, 203, 671
Maine	423	782	671
Michigan	198, 543	783	48, 65, 671
Minnesota	719	786	605
Mississippi	344, 583, 638	787	432, 514, 726
Missouri	note 544, 739, 790	787-792	671
Nebraska	617	788	432
Nevada	98	794	671
New Hampshire	317	794-799	325
New Jersey	607	795	65, 671
New York	334	797	671
North Carolina	196, 538	798	66, 671
North Dakota	649, 716, 717	799	671
Ohio	172, 277, 361	800	270, 428, 605
Oregon	98	800-822	68
Pennsylvania	515	806	substitute 334
South Carolina	638, 718	820	270, 428
South Dakota	649	821	270, 428
Tennessee	295	822	68
Texas	439, 674, note 703	823	698
Vermont	10	823-859	51, 106, 326, 383, 433, 564, 649, 671, 727, 764, 767, 771, 928
Virginia	806	824	219, 514
Washington	649, 711	824-829	564
West Virginia	207, 587, 638	827	66
Wisconsin	14, 515	828	66, 77, 325, 371, 564, 623, 671
661	607	829	48, 213, 219, 514, 564, 623, 671, 811, 909
664	98	830	66, 671
669	607	833	227, 421
671	564	834	77, 698
672	564	837	383, 764
676	320	838	34
677	136	843	18
681	374	844	421, 467
682	374	846	65, 434, 623
683	642	847	371, 434, 513, 928
691	672, 689, repealed 905	848	213, 302, 623, 690
692	672, 689	852	302
693	63	853	202
695	903	854	202
698	8	855	623
699	68, 672	856	51, 623
702	7, 49, 485	858	155
703	7	863-875	123, 917
706	485	879	38
707	82, 561, 905, 916	902	substitute 211
708	82, 561, 916	903	substitute 211
709	903	904	substitute 211
712	671	911-1042	672, 795
714	320	945	51
716	905	955	85
719	904	956	85
721	10	983	51
722	614	984	51
727	38, 51	989	77
728	51	997-1013	905
737	85	1000	752
738	85	1001	752
739	611	1014	51, 431, 737, 738
740	277, 278, 295, 297, 360	1014-1016	38, 236
740-742	85		

<i>Sections of Rev. Stats.</i>	<i>Page of this vol.</i>	<i>Sections of Rev. Stats.</i>	<i>Page of this vol.</i>
1042	51	1198	457
1044	substitute 98, 1463	1200	457
1045	98	1204	473, 811
1046	463	1206	880
1047	35, 98	1207	880
1049	320	1208	46
1052	47	1209-1212	705
1053	136	1211	400
1059	82, 403, 559, 586	1213	188, 491, 517
1060	403, 562	1214	189
1061	559	1215	491, 517
1062	586	1216	substitute 889
1063	403, 562	1218	substitute 428
1064	403, 562	1219	457
1065	90	1220	679
1069	559	1222	373
1072	403, 560, 914	1223	96
1073	403	1225	substitute 620, 887
1074	403	1226	188
1075-1085	915	1227	884
1076	916	1233	repealed 210
1079	repealed 561	1240	189
1080	561	1243	189
1086	159, 403	1243-1260	348, 810
1089	90	1254	96
1090	561, 811	1260	189, 620
1092	915	1261	348
1093	403, 915	1262	189, 348, 446
1094	118, 332, 349, 457, 879	1263	189
1095	792, 879	1265	113
1096	879	1270	189, 190, 267, 318, 348, 473, 679
1097	879	1270-1272	189
1102	149	1271	318
1103	149	1272	473
1111	137	1273	81, 113, 400, 679, note 756, 803
1112	118	1274	348
1113	757	1281	757
1115	267	1282	757
1116	482	1285	substitute 889
1118	548	1287	202, 482
1119	757	1289	81
1129	473	1290	81, 757
1131	9	1295	189
1132	69, 400, 456	1299-1302	349
1133	456, 457, 619	1305	757, 793
1136	268, 499	1305-1308	757
1137	482	1306	400, 757
1140	45	1307	757
1141	456	1308	757
1144	77, 456, 793	1309	268
1145	456	1309-1341	82, 116, 290
1146	456, 758	1313	349
1149	456	1315	180
1151	271	1325	224
1159	45, 46, 338	1326	224
1167	45	1329	180
1159-1167	45	1336	268
1168	45, 46, 106	1337	82
1168-1174	45	1339	349
1173	400	1342 Articles of War	808
1176	substitute 244	Article 4	714
1177	substitute 244	60	88
1178	substitute 244	72	substitute 463
1179	549	80-83	878
1180	549	103	713
1181	549, 900	113	135
1181-1183	900	118	155
1182	113, 900	1344	9
1182-1190	485	1346	substitute 888
1183	900	1348	substitute 888
1193	473	1351	251
1194	46, 69 repealed, 88 repealed, 134, 380, 548, 811	1361	9
1195	298, 380, 486, 630, 880	1362	377, 401, 446
1195-1197	630, 879, 880	1363	401
1196	380, 482, 486, 630, 880	1368	376
1197	630, 880	1376	376

REPEALED, ALTERED, OR AFFECTED.

<i>Sections of Rev. Stats.</i>	<i>Page of this vol.</i>	<i>Sections of Rev. Stats.</i>	<i>Page of this vol.</i>
1390	4, 221, 377	1753	392, 395, 772
1394	4	1754	120, 395
1400	314	1756	repealed 428
1407	263	1757	428, 434, 791
1411	217	1757-1759	791
1417	substitute 263	1758	99, 791
1417-1420	318, 669	1759	791
1418	substitute 263	1763	18
1418-1420	318	1762-1765	18, 481
1419	substitute 263	1765	18, 78, 380, 627
1422	substitute 94	1766	90
1425	94	1767-1772	repealed 558
1426	616, 704, 714	1769	153
1427	616, 704, 714	1774	55
1429	640	1775	55
1443-1465	377	1776	55
1447-1456	377	1777	382
1460	substitute 122	1778	51, 123, 432
1466	401	1781	31
1476	4	1794	5, 78, 605
1486	327	1797	3, 119, 175, 792
1493-1510	36, 193	1798	72
1511-1528	41, 217, 696	1800	175
1512-1528	376, substitute 188	1800-1812	357, 420
1513	substitute 188	1815	73
1517	697	1816	73, 136, 175, 251, 420
1521	376, 446	1817	320
1523	37	1819	115
1524	4	1819-1821	349
1540	417	1820	100
1541	377, 417, 762	1821	100
1543	109	1823	71
1544	109	1826	119
1556	4, 137, 160, 376, 401, 485	1827	202
1566	81, 109, 377	1830	305
1573	640	1841	112, 721
1577	473	1842	112
1580	282	1843	201, 721
1596	10	1844	17, 721
1601	10	1845	100
1612	473	1846	31, 200, 721
1615	900	1847	200
1624	155	1849	200, 926
Article 4	616	1850	731
9	318	1852	substitute 313
14	88	1853	200
19	substitute 263, 616	1856	280
37	36	1860, par. 4	412
1625-1661	574	1861	repealed 201, 728
1661	344, substitute 537	1864	593, 723, 771, 893
1663	55, 82, 378	1865	893
1667	124, 148, 164, 205	1866	7
1673	82	1868	7
1675	55, substitute 93, 379	1875	48
1676	55	1876-1895	48
1680	73, repealed 479	1878	100
1681	repealed 478	1881	51
1682	320	1883	51
1685	479	1887	201
1687	13	1889	172, substitute 504
1690	95, 98, 152	1890	570
1692	13	1891	731, 735
1697	13	1892	299
1699	95	1897	7, 48
1700	95	1898	7
1703	14	1899	7
1704	13	1907	48, 723
1712	209, substitute 592	1910	49, 893
1713	substitute 592	1911	7
1729	470	1913	893
1741	14	1915	893
1742	13, 14	1916	79
1744	14	1922	200
1745	14, 443	1923	31
1750	244	1946	647, 728, 765, 768
1751	14, 15	1956	701

SECTIONS OF REVISED STATUTES.

<i>Sections of Rev. Stats.</i>	<i>Page of this vol.</i>	<i>Sections of Rev. Stats.</i>	<i>Page of this vol.</i>
1954-1976	430, 435	2256	4, 9, 25, 26, 57, 100, 115, 116, 123, 215, 275, 281, 283, 300, 326, 334, 335, 347, 415, 490, 510, 587, 638, 660, 699, 704, 710, 714, 715, 741, 807
1955	435	2257	99
1959-1976	945	2257-2274	repealed 942
1960-1972	6	2257-2288	272, 282, 291
1973	73, 115	2258	127, 454, 929
1974	115	2259	38, 99, 169
1977	67	2262	258, 292, 942
1977-1991	67	2275	41, 424, 646, 646, 765, 766, 768, 770, substitute 898
1979	68	2276	41, 609, 646, 649, 765, 766, 768, 770, substitute 899
1980	67	2277-2285	repealed 942
1982-1987	51	2287	repealed 942
1996	692	2288	substitute 942
1997	692	2289	38, 78, 99, 169, 450, 626, 730, 929, substitute 942
2011-2014	558	2289-2317	1, 91, 257, 272, 282, 283, 291, 491, 811, substitute 942
2013	564	2290	940, 942
2038	43	2291	148, 258, 292, 683, 743
2039-2042	343	2294	substitute for 743
2043-2045	79	2295	930
2052	450	2297	99, 327, 683
2056	substitute 343	2298	683
2057	81	2301	292, 683, 728, 729, 929, substitute 943
2058	81, 451	2302	78, 450
2059	343	2303	repealed 109
2067	450	2304	729, 730
2069	79, 343, 536	2304-2309	583, 683, 684, 929
2070	repealed 343	2305	729, 730, 929
2071	268, 362	2306	300, 942
2079	535	2317	note 940
2083	121, 134, 282	2318	86, 404, 945
2086	79	2318-2352	91, 166, 433, 455, 945
2091	794	2319-2337	104
2093	416	2321	338
2095-2097	105	2324	62, 276
2098	note 913	2325	276
2100	79	2326	324, 338
2102	79	2334	168
2109	79	2337	104
2118-2157	735	2338	167
2119	536, 897	2339	104, 167
2127	450	2341-2373	167
2129-2131	121	2346	425
2133	substitute 362	2353-2379	127, 138, 682, 943
2138	450	2357	298, 301, 425, 491, 683
2139	450, 735	2359	127
2142	589	2378	766, 770
2145	482, 579	2379	766, 770
2146	482, 735	2380-2394	137, 730, 739, 944, 945
2153	588	2382	810, 929
2156	note 913, 914	2387	929, 930
2157	note 913	2388	929, 930
2158-2164	87, 458, 479	2389	139
2161	47, 87	2393	132, 454
2162	87	2387-2394	substitute 879
2165	97	2400	73, 86, 921
2165-2172	738	2401	244, 944
2175-2206	repealed 660	2401-2403	substitute 381
2190	450	2403	381
2202	328	2406	251
2206	258, 281, 657	2406	637
2207	115, 626, 713	2434	19
2208	713	2441	19
2218	115, 626	2442	86
2218-2222	11	2449	943
2221	626	2455	169
2223	115	2461	91, 159, 166, 169
2289-2317	811	2464	169
2232	433	2464-2668	282 repealed, note 940
2316-2352	433	2475	91
2234	4, 26, 58, 123, 281, 300, 416, 491, 704, 710, 716	2476	477
2234-2247	25, 100, 123, 116, 215, 276, 283, 326		
2237	9		
2238	168, 313		
2240	402, 563		
2241	563		
2252	433		

REPEALED, ALTERED, OR AFFECTED.

<i>Sections of Rev. Stats.</i>	<i>Page of this vol.</i>	<i>Sections of Rev. Stats.</i>	<i>Page of this vol.</i>
2477	167, 477	2651	119
2479	141, 648, 766, 770	2652	83
2485	132	2654	493
2491	859	2654-2656	35
2491-2516	superseded, note	2655	36, 220, 221
2492	860	2656	36, 220, 300
2493	861	2657	36, 221
2494	861	2659	35
2495	861	2675	412
2496	858	2684	substitute 347
2497	861	2688	36, 77, 221
2498	861	2688-2692	35
2499	857	2689	36, 220, 221
2500	861	2701	118
2501	substitute 389	2703	36
2502	860	2704	36
2503	superseded, note 812	2705	810
2504	121	2707	799
2505	847	2708	300
2506	repealed 422, superseded, note 812	2714	36
2507	861	2719	36
2508	860	2722	810
2509	860	2729	925
2510	829	2733	293
2511	860	2737	293
2512	856	2743	438
2513	443, 858	2747	697
2514	858	2747-2765	486, 626
2515	853	2749	114
2516	857	2758	469
2517	89, 203, 316, 491, 720	2776	446
2518	316	2776-2778	105
2527	425, 467	2785	101
2533	805, substitute 908	2805	811
2534	558, 805	2822-2831	299
2535	59, 60, 221	2825	105
2541	221, 587	2838	repealed 755, 869
2544, par. 1	90	2839	repealed 755
2546	276	2841	101, repealed 755
2547	276	2842	105
2552	284, substitute for pars. 4, 5, 346, 492, substitute 630	2843	repealed 755
2553	284, substitute for par. 4, 346	2845	repealed 755
2559	319, 632	2853	293, repealed 755
2560	319	2854	repealed 755
2562	547, 652	2855	293
2564	39	2856	repealed 755
2565	39	2858	25, repealed 755
2566	par. 1, 91	2860	repealed 755
2568	299, 318, 385, 599, 676, 799, 805, 809	2864	34
2569	279, 300, 318, 335, 799, 805, 809	2865	34
2570	299	2866	repealed 422
2578	720, 805	2868	315
2579	80, substitute 676, substitute 806	2872	445
2582	10, substitute 346	2875-2877	191
2583	substitute 346	2891	191
2586	substitute 336, 652, 789, 790	2892	36
2587	substitute 337	2900	repealed 755
2591	937	2902	repealed 755
2592	937	2905	repealed 755
2595	118, substitute 585, 707	2907	repealed 755
2596	substitute 585, 707, 881	2908	repealed 755
2599	substitute 106 for 742	2909	repealed 755
2601	328	2922	repealed 755
2603	superseded 547	2923	repealed 755
2605	321, 881	2924	repealed 755
2607	substitute 347	2925	105
2608	repealed 755	2926	36, 236
2610	note	2927	repealed 755
2616	608	2928	repealed 755
2617	316	2929	repealed 755
2619	300	2929-2932	repealed 755
2627	588	2930	repealed 755
2628	588	2931	196, repealed 755
2634	885	2932	repealed 755
2649	119	2941-2963	906
		2943	repealed 755

<i>Sections of Rev. Stats.</i>	<i>Page of this vol.</i>	<i>Sections of Rev. Stats.</i>	<i>Page of this vol.</i>
2945	repealed 755	3244	124, 229, 236, 289, 862, 863
2952	repealed 755	3246	substitute 230
2954-3008	36	3249	866
2954	6	3251	270
2961	6	3255	139, 632
2966	substitute 444	3259	235
2971	6	3260	2, 284
2981	substitute 295	3262	2, 284
2984	82	3263	8, 231
2990-2997	repealed 294	3264	substitute 230
3001	61	3367	231
3004	806	3271	1, 139, 632
3006	685	3276	231
3007	685	3276-3278	231
3009	152, 357	3277	224
3011	repealed 755	3282	231, 266
3011-3013	repealed 755	3285	substitute 285
3012	repealed 755	3286	224, 231
3012 ¹	82, 83, 196	3287	232, superseded 285, 286, 930
3013	82, repealed 755	3293	2, 232, substitute 286
3019	279	3294	substitute 232, 286
3020	substitute 279	3294-3297	930
3049	315	3297	159
3058	542, 756	3301	232
3063	315	3309	70, 78, 235, 287, 866
3064-3067	191	3310	287
3066	substitute 337	3314	233, substitute 288
3088	315	3315	substitute 233
3090	32, 35, 36	3316	61
3091	repealed 32	3317	substitute 233
3092	repealed 32	3318	224, 233
3093	repealed 32	3319	229
3101	315	3321	120
3104	315	3323	120
3106	315	3324	237
3109	315	3326	61
3111	315	3329	12, 140, 236, 287, 759
3114	315	3330	12, 13, 140, 141, 236, 275, 287, 288, 759
3133	462	3332	233
3141	135	3334	234
3143	substitute 222	3336	substitute 489
3144	substitute 222	3337	104
3145	224, 225	3339	104, 758
3148	223, 224, 225, 485	3340	236
3149	substitute 223	3342	substitute 93
3151	485, repealed 511	3344	236
3152	substitute 223, 485	3346	substitute 235
3153	119, 120, 267	3349	229
3153-3157	484	3354	substitute 758
3154	119, 485	3355	substitute 237, 862
3156	120, 485	3357	substitute 864
3157	81, 119, 200	3159	repealed 219
3158	61	3360	repealed 119, substitute 238, 862
3159	119	3361	863
3160	119	3362	substitute 238, 391
3163	119, substitute 223	3363	substitute 864
3165	224	3364	305
3167	224	3368	405, 864
3168	224	3369	507
3169	61, 222, 224	3371	substitute 239
3171	224	3372	141
3173	substitute 225	3377	239
3176	226, 869	3381	substitute 863
3177	224	3383	239, substitute 863
3183	226	3384	240
3186	substitute 226	3385	61, 385
3197	substitute 227	3386	61, 62, substitute 240
3203	227	3387	240, 865
3208	substitute 228	3389	240, substitute 865
3221	135	3392	240, substitute 864
3223	substitute 228	3393	240, 241
3232-3241	506	3397	substitute 241
3233	506	3408	404
3237	869	3412	61, 96
3242	60	3413	61
3243	506	3414	61

<i>Sections of Rev. Stats.</i>	<i>Page of this vol.</i>	<i>Sections of Rev. Stats.</i>	<i>Page of this vol.</i>
3415	61	3666	318
3426	substitute 241	3669	72, 121, 180, 322, 791
3429	substitute 242	3672	40, 74, 191
3430	substitute 243, 404	3673	4, 194
3433	substitute 288, 858	3674	932
3437	405	3677	481, 641
3441	superseded 243, 404, 759	3678	42, 250, 457, 482, 774
3446	substitute 243	3679	80, 137, 427, 780
3462	51	3680	254
3473	152	3682	201, 374
3474	152	3683	201
3478	453	3687	297, 375, 481, 585
3479	453	3689	18, 32, 828
3480	155	3690	627
3482	37, 481, 615	3691	502, 627
3482-3489	390	3692	40, 74, 191, 377
3489	390, 615	3693-3701	356
3495	3, 315	3694	99
3495-3562	9	3695	488
3509	43	3697	321
3510	substitute 806	3702	488
3511	807	3703	488
3513	99, 125, 152, 568	3707	488
3513-3517	58	3709	80, 157, 205, 404, 456, 457, 467, 499, 585, 589, 610, 619, 679, 896
3515	626, 807	3709-3713	567
3516	3	3710	589
3518	40	3711-3713	181
3518-3520	927	3714	456, 499
3519	40, 775	3714-3717	157, 404
3519-3523	775	3716	155, 456
3520	568, 775	3717	82, 800
3521	775	3718	205, 762, 900
3522	775	3721	326
3523	775	3730	523
3524	58, 319	3731	523
3526	125, 774	3732	780, 928
3527	264	3733	74, 697, 780
3545	40, 200, 251	3734	51, 74, 697
3546	200	3735	56
3548	329	3736	74
3549	329	3738	582, 587
3564	869	3744	80, 585
3569	279, 329	3745	substitute 398
3570	329	3749	251
3571	563	3750	380
3572	99, 125	3758	114, 119
3572-3578	58	3759	114
3576	698	3760	56, 328, 387
3577	73, 136	3762	201
3579	626	3763	114, 129, 499, 934
3581	42	3764	391, 934
3582	28, 166	3767	97, 114
3583	563	3768	114, 280
3586	124, 152, 264	3778	151, 389
3593	489	3779	42
3595	120	3780	substitute 397
3608	120	3785	201, 209, 221, 269, 382, 421, 469
3615	120	3786	201, 505
3617	74, 420	3787	substitute 947
3618	40, 74, 191, 216, 303, 377, 762	3788	947
3620	42	3789	947
3622	794	3790	201, 209, 221, 947
3623	457	3791	635, 947
3644	489	3792	387
3646	substitute 475	3798	42, 486, 634
3647	475	3800	150, 298
3653	380	3802	382
3653-3680	250	3803-3808	20
3654	78, 380	3807	77
3655	17	3808	382
3656	17	3809	149, 311, 422, 515, 575, 773
3657	78, 380	3814	72
3658	78, 380	3815	382
3659	105, 279	3823-3826	202
3660	72, 318, 351	3826-3828	114, 164, 314
3663	74		

<i>Sections of Rev. Stats.</i>	<i>Page of this vol.</i>	<i>Sections of Rev. Stats.</i>	<i>Page of this vol.</i>
3827	43	4032	406
3830	110	4036-4040	407
3834	5, 135, 405	4039	405
3835	215	4041	substitute 804
3838	605	4041-4046	405
3843	419	4047	406, 407, 483
3846	586	4048	405, 406, 483
3852	70, 110, 420	4049	70
3852-3860	49, 417, 419	4054	679
3854	420	4075	582
3855	186	4079-4081	17, 51
3856	420	4083	181
3860	483, 600, 680	4083-4091	6
3865	446, 518, 587	4017-4026	362
3866	446, 518, 587	4098-4120	6
3868	567	4125-4130	6
3872	43	4127	substitute 181
3875	246	4130	97
3877	246	4131	8, 440
3878	247	4133-4196	412, 462
3879	247	4132	271
3886	248, 420, 577	4133	278
3887	247, 248, 578	4153	378, 494
3893	247, 248, substitute 621	4154	278, substitute 379
3894	substitute 803	4177	494
3896	70, 467	4178	444, substitute 894
3896-3913	136, 150, 245	4179	320
3898	249	4079-4081	51
3902	246	4185	278, 482
3903	246, 483	4186	300, 379, 492, 493
3904	246, 483	4192	493
3905	438	4193	493
3909	43, 311	4194	493
3913	467	4195	400, 493
3914	135, 250	4197-4201	493
3914-3917	110	4203	444
3915	43, 136, 468	4206	493
3916	245, 246	4207	443
3917	250	4213	substitute 443
3918-3920	187	4214	substitute 412
3921	203	4219	495, 583
3922-3925	249	4219-4227	196
3929	substitute 804	4220	8
3941	266, 319	4223	repealed 495
3943	166, 483	4224	repealed 495
3945-3947	44	4233	496, 781, 789
3946	116	4242	339
3947	45, 116	4242-4251	190, 320, 497, 622, 632, 633, 650, 660
3951-3954	117	4243	29, 340, 341
3952	repealed 810	4252	repealed 369
3953	116, repealed 810	4253	repealed 369
3954	substitute 118	4254	repealed 369
3955	substitute 250	4255	repealed 369
3956	166	4256	repealed 369
3960	372	4257	repealed 369
3961	280, 372	4258	repealed 369
3962	373	4259	repealed 369
3963	165, 338	4260	repealed 369
3964	423	4261	repealed 369
3970	166	4262	repealed 369
3976	444	4263	repealed 369
3982	245	4264	repealed 369
4000	246	4265	repealed 369
4002	70, 110, 187, 246, 319	4266	repealed 369
4005	246	4267	repealed 369
4007	905	4268	repealed 369
4008	905	4269	repealed 369
4009	907	4270	repealed 369
4010	907	4271	repealed 369
4017	189, 296, 319, 932	4272	87, repealed 369
4017-4026	362	4273	repealed 369
4020	186, 187, 319, 581	4274	repealed 369
4027	405	4275	repealed 369
4028	substitute 613	4276	repealed 369
4029	517	4277	repealed 369
4030	405	4283-4289	repealed 369
			443

REPEALED, ALTERED, OR AFFECTED.

<i>Sections of Rev. Stats.</i>	<i>Page of this vol.</i>	<i>Sections of Rev. Stats.</i>	<i>Page of this vol.</i>
4289	substitute 494	4526	780
4300-4305	581	4527	780
4311	271	4528	780
4311-4399	8, 271, 462	4429-4437	474
4312	60, 271	4546	51
4320	492	4554	780
4321	548	4561	substitute 440
4328	8	4569	442, 496
4334	444	4573	493
4347	repealed 422	4574	493
4349-4356	112	4576	444, 493
4364	493	4578	substitute 441
4371	271, 494	4580	substitute 440
4381	300, substitute in part 465, 492, 493	4581	substitute 441, 584
4382	repeal substitute in part 465, 492, 493	4582	substitute 441
4383	492	4583	substitute 440
4384	271	4584	repealed 441
4385	492	4585	repealed 443
4386	493	4586	repealed 443
4390	271	4587	repealed 443
4391-4398	328	4588	493
4392	493	4592	443, 493
4395	421, substitute 577	4592-4595	445
4395-4398	289, 328, 382, 563	4596	780
4396	486	4597	780
4399-4500	759	4598	780
4400	384, 789	4599	780
4401	789	4600	substitute 441
4404	384	4601	780
4413	789	4602	780
4414	.61, note 335, 352, 384, 517, 776	4603	780
4415	352	4604	780
4417	493	4605	780
4418	493, 496	4610	780
4418-4424	410	4612	493, 780
4420	1	4631, pars. 1-2	12
4421	384, 493	4653-4680	42, 250
4422	384	4666	469
4423	384, 493	4670	substitute 502
4424	384	4672	298
4426	759, 887	4675	42
4429-4437	380, 474	4681-4688	289
4430	205	4688	791
4434	substitute 474	4689	399
4438	8, 493	4691	202, 250
4441	8	4692	383, 760
4449	493	4692-4791	256
4451	583	4693	383, 482, 760
4458	substitute in part 335, 445, 493	4695	193
4461	583	4697	15, 131, 188, 261
4464	500	4698	15, 131, 188, 261, 299, 511, 617, 642, 707
4465	500	4698½	299, 707
4466	501	4699	400, 511
4470	384	4702	substitute 383, 761
4471	384	4703	761
4472	384	4705	383
4473	384	4706	383
4474	633	4707	760
4479	384	4709	257, 589
4482	500	4709-4713	208
4488	501, 701	4710	589
4489	501, 701	4712	292
4490	501	4714	762
4496	384	3714-3717	157
4497	384	3715	361
4499	384	4715-4720	11
4500	384	4716	148, 155, 524
4501	substitute 445	4717	repealed 208
4511	780	4718	208, 761
4511-4515	444	4720	361
4512	780	4724	933
4517	444	4728	148
4518	444	4730	523
4522	780	4731	523
4524	780	4734	90
4525	780	4736	154

<i>Sections of Rev. Stats.</i>	<i>Page of this vol.</i>	<i>Sections of Rev. Stats.</i>	<i>Page of this vol.</i>
4736-4740	154	4964	substitute 953
4739	524	4965	substitute 953
4744	73, substitute 360, 933	4967	substitute 954
4745	substitute 398	4971	repealed 954
4751	159	4072-5132	170
4756	517	4979	38
4757	517	4986	38
4764	933	5133	278, 353
4765	386, 761	5133-5243	27, 109, 728, 735
4766	substitute 386	5134	490
4768	451, 761	5141	107
4769	451, 761	5142	490
4771	repealed 267	5146	728
4772	repealed 267	5151	107
4773	repealed 267	5154	278, 353
4774	361, 670	5159	28, 356
4774-4777	361	5160	356
4775	267, 670	5162	28
4776	267, 670	5171	73, repealed 356
4777	670	5172	28, 73
4778	153, 762, 933	5176	repealed 356
4779	762, 933	5177-5180	58
4780	933	5184	42
4781	451, 482	5185	59, 278
4782	451, 482	5191	27, 107, 566
4783	substitute 893	5192	27, 64, 566
4784	387	5194	107, 566
4785	209, substitute 451	5195	566
4786	451, substitute 452, 761	5201	107
4787	122, 947	5205	108
4787-4791	947	5207	357
4788	122	5208	357
4791	122	5211	318
4792	158	5211-5213	108, 871
4792-4796	157, 261	5214	404
4801-4813	94, 157	5220	109
4802	73, 95, 637, 926	5220-5222	355
4806	94	5222	28, 355, 356, 775
4815	410, 411	5224	355
4816	411	5225	42, 355
4817	410	5234	107, 488, 871
4820	410	5236	107
4825	381, 486, 501, 513, 618, 640	5239	107
4825-4838	462, 553, 563, 599	5240	64, 871
4828	72	5244-5255	466
4831	71, 251	5253	515
4832	381	5254	338
4837	315	5255	note 283
4838	290, 381	5256-5269	92, 160, 194, 268, 602
4838-4858	136	5260	40, 254
4839	290, 321	5261	40
4842	321	5263-5269	602, 604
4843	95, 469	5267	46
4843-4854	298	5270	51
4844	252	5270-5280	371
4851	47, 382	5271	51, substitute 372
4852	47, 382	5283	
4859-4869	299	5292	34, 35, 59, 82
4864	698	5292-5294	35
4865	792	5293	35, 83, 445
4867	421, 792	5294	445
4868	421	5295	33
4876	113	5296	51
4877	214	5339-5391	735, 799
4883	substitute 579	5343	85
4886	420, 577	5352	substitute 331, 332, 568, 573
4905	123	5356	579
4929	16, 533	5370	579
4937-4947	322	5375	47
4952	16, substitute 951	5388	substitute 588
4954	substitute 951	5392	116, 146
4956	substitute 95	5392-5412	736
4958	15, substitute 952	5413	890
4959	substitute 953	5414	694, 890
4962	15, 16, 363	5415	890
4963	substitute 953	5430	73

REPEALED, ALTERED, OR AFFECTED.

<i>Sections of Rev. Stats.</i>	<i>Page of this vol.</i>	<i>Sections of Rev. Stats.</i>	<i>Page of this vol.</i>
5431	429, 473	5487	762
5438	451	5488	762
5439	89	5488-5496	89, 489
5440	substitute 264	5491	794
5444	708	5497	213
5448	425	5503	74, 780
5453	89	5504	89
5456	579	5510	67
5457	substitute 128, 890	5517	89
5458	890	5525	47
5459	890	5536-5550	908
5460	890	5536	542
5461	890	5539	539
5462	890	5543	89, 708
5463	substitute 518, 593	5544	89, 708
5463-5480	512	5546	111
5472	579	5559-5594	486
5475	89	5579	626
5477	89	5579-5594	252
5480	substitute 694	5582	428
5483	89	5583	564
5485	453, 761, 933	5595	153
5486	substitute 893	5601	1053

REVISED STATUTES OF THE UNITED STATES FOR THE DISTRICT OF COLUMBIA.

2-71	22	406	699
62	172	407	699
72	179	444	244
73	55, 179	445	130
74-84	22, 55	446	substitute 158
79	181, 520, 567	447	substitute 158
130-137	24, 179	466	397, 548
138-141	413	467	130
147	145, 180, 414	467-471	128
148	145, 414	476	130
149	142	477	618
150	642, 743	478	618
151	166, 642, 743	480	352
153-189	142, 176, 520	519	498
154	709	533-544	7
166	397	534	substitute 407
190-194	477	536	substitute 408
192	130	537	substitute 408
195	130, 351	541	substitute 408
195-221	111, 264, 358, 477	542	substitute 408
202	264	545	substitute 426
204	substitute 758	545-552	427
221	351	546	substitute 426
222	792	547	substitute 426
232	54	549	substitute 426
232-234	202	551	repealed 426
234	54	552	870
240	substitute 397	553	109, 343, substitute 314
257-266	794	553-593	521
271-320	179	555	substitute 644
279	492	674	400
286-292	794	685	597
309	130	692-712	447
312	130	717	130
321-438	115	724-726	216
322	130	750	220
335	523	751	220
354	397	753	41, 102
361-364	476	753-759	291
366	202	754	130, 220
367	202	755	substitute 651
395	474	758	repealed 651
397	374	759	repealed 651
402	475	760-771	38
403	475	763	130
404	523, 699	764	130, 131
405	699	765	131

<i>Sections of Rev. Stats. of D. C.</i>	<i>Page of this vol.</i>	<i>Sections of Rev. Stats. of D. C.</i>	<i>Page of this vol.</i>
780	131	901	322
797-799	196	902	350
807	911	907	substitute 779
811	131	915-928	421
829	811	937	631
841	131	974-978	519
843	131, 409	979-992	172
847	131	993	note 210, 331, 592, 600
851	652	994-1034	171
851-868	911	1035-1040	171
853	292	1036	substitute 128
855	substitute 651	1041	102, 480
856	substitute 651	1042	912
858	substitute 651	1049	38, substitute 911
859	911	1050	38
861	substitute 291	1150	85
862	substitute 652, 911	1154	157, 353
863	substitute 652, 911	1156	415, 874
864	911	1158-1162	408, 874
865	911	1162	396, 900
866	substitute 651	1173	408
872	substitute 651	1174	158
873	131	1175	158
876	155	1192-1296	repealed 661, 669
878	396	1193	131
879	30	1283	131
897	131	1288	131

GENERAL LAWS
OF THE
UNITED STATES.

FORTY-THIRD CONGRESS—FIRST SESSION

IN
THE YEAR 1874.

CHAPTER 6.—An act relating to the limitation of steam pressure of vessels used exclusively for towing and carrying freight on the Mississippi River and its tributaries.

January 6, 1874.

18 Stat. L., 2.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of an act entitled "An act to provide for the better security of life on vessels propelled in whole or in part by steam," &c., approved February twenty-eighth, eighteen hundred and seventy-one, (1) so far as they relate to the limitation of steam pressure of steamboats used exclusively for towing and carrying freight on the Mississippi River and its tributaries, are hereby so far modified as to substitute for such boats one hundred and fifty pounds of steam pressure in place of one hundred and ten pounds, as provided in said act for the standard pressure upon standard boilers of forty-two inches diameter, and of plates of one-quarter of an inch in thickness;

Steam pressure allowed to be carried by freight and tow boats on Mississippi River.
R. S., § 4420.

And such boats may, on the written permit of the supervising inspector of the district in which such boats shall carry on their business, be permitted to carry steam above the standard pressure of one hundred and ten pounds, but not exceeding the standard pressure of one hundred and fifty pounds to the square inch. [*Approved, January 6, 1874.*]

— may be above standard, by permission, &c.

NOTE.—(1) By § 11, par. 3, of the act of 1871, Feb. 23, ch. 100 (16 Stat. L., 445), subsequently appearing in R. S., § 4418, one hundred and ten pounds was fixed as the standard pressure. By 1871, Dec. 20, ch. 2, and 1872, Dec. 17, ch. 4, § 9 (17 Stat. L., 23, 400), temporary provisions similar to those of the above act of 1874, ch. 6, were made. The last, though it expired Dec. 17, 1873, was incorporated into R. S., § 4420. The above act makes these provisions permanent.

CHAP. 7.—An act to so amend the laws relative to internal revenue as to allow distillery warehouses to be continued in use after changes have occurred in the management of the business.

January 8, 1874.

18 Stat. L., 2.

Be it enacted, &c., That when from death or from any other cause there shall be a change in the person, firm or company engaged in the business of distilling at any distillery, and the person, firm or company that by reason of such change ceases to carry on said business at such distillery has at the time of such change spirits in the distillery warehouse, it shall be lawful for the Commissioner of Internal Revenue, upon the written consent of the surviving principals and sureties

Distillery warehouses, how may be used by successor in business.
R. S., § 3271.

interested, and under such rules and regulations, and upon such other conditions, as he may prescribe, to permit the succeeding person, firm or company to use the distillery warehouse on the premises in the same manner as if it did not contain distilled spirits belonging to the original person, firm or company after setting apart and separating, by a secure and unbroken partition such portion of it as may be necessary for the storage and safe-keeping of the spirits distilled by the original person, firm or company, during the period allowed by law for the removal of distilled spirits from distillery warehouses, or until said spirits are removed, and the tax paid thereon within that time:

Spirits belonging to former occupant to be separated by partition.

R. S., § 3293.
1880, May 28, ch. 108, § 4, *post*, p. 285.

Lien for tax not impaired; but bond of successor may be approved notwithstanding.

R. S., § 3251, 3260, 3262.

Provided, That nothing herein contained shall impair or in any way affect the lien existing at the time of such change under section one of the internal revenue act of July twenty eighteen hundred and sixty-eight, as amended, or other liabilities under any internal revenue law, but the existence of such lien shall be no ground for refusing to approve the bond of the succeeding person, firm or company, anything in section eight of the said act of July twenty, eighteen hundred and sixty-eight, as amended, to the contrary notwithstanding. (1) [January 8, 1874.]

NOTE.—(1) The provisions of the act here referred to, 1868, ch. 186, §§ 1, 8 (15 Stat. L., 125, 128), and the amendments to the same, are incorporated into Revised Statutes in the sections noted in the margin.

January 20, 1874. CHAP. 11.—An act repealing the increase of salaries of members of Congress, and other officers.

18 Stat. L., 4.

Repeal of law increasing salaries; restoring former compensation.

1873, March 3, ch. 226 (17 Stat. L., 486).

14 C. Cls. 78.

1875, March 3, ch. 130, § 2, and note (8), *post*, p. 75.

Be it enacted, &c., That so much of the act of March third, eighteen hundred and seventy-three, entitled "An act making appropriations for legislative, executive, and judicial expenses of the Government for the year ending June thirtieth, eighteen hundred and seventy-four," (1) as provides for the increase of the compensation of public officers and employees, whether members of Congress, Delegates, or others, except the President of the United States and the Justices of the Supreme Court, be, and the same is hereby, repealed, and the salaries, compensation, and allowances of all said persons, except as aforesaid, shall be as fixed by the laws in force at the time of the passage of said act: * * [The remainder of this act is temporary and executed.] * * [January 20, 1874.]

NOTE.—(1) The act here referred to and repealed, 1873, ch. 226 (17 Stat. L., 486), is incorporated into the Revised Statutes in the numerous provisions which set forth the salaries of different officers as there established. In the second edition of the Revised Statutes (1878) tables are printed on pages 1098-1097, showing the salaries affected by this act, so far as they appear on the books of the First Comptroller, with the amount of each before and after its passage. To these should be added the Capitol police, who are paid out of the contingent funds of the two Houses of Congress, in accordance with appropriations made from year to year. R. S., §§ 1821, 1822. 14 C. Cls., 78.

January 22, 1874. CHAP. 14.—An act to amend the act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and seventy-four, and for other purposes," approved March third, eighteen hundred and seventy-three.

18 Stat. L., 5.

Debates of Congress to be printed under direction of Joint Committee on Printing.

R. S., § 78.
1883, March 3, Res. No. 24, *post*, p. 422.

1884, March 31, ch. 18, *post*, p. 423.

Be it enacted, &c., That the act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and seventy-four, and for other purposes," approved March third, eighteen hundred and seventy-three, be, and the same is hereby, amended by adding to the proviso (1) in the clause of said act relating to the public printing and binding the following words: "and of the House of Representatives." [January 22, 1874.]

NOTE.—(1) The proviso here referred to in the act of 1873, ch. 227, (17 Stat. L., 510), is incorporated into Revised Statutes, § 78.

CHAP. 18.—An act to abolish the office of Deputy Commissioner of Internal Revenue. (1) January 29, 1874.

Be it enacted, &c., That the office of Deputy Commissioner of Internal Revenue, made vacant by the death of General B. J. Sweet, be, and the same is hereby, abolished; and that the Secretary of the Treasury may, upon the recommendation of the Commissioner of Internal Revenue, designate one of the two remaining deputy commissioners as First Deputy Commissioner, who shall perform the duties and be paid only the salary prescribed for the office of deputy commissioner hereby abolished. [January 29, 1874.]

NOTE.—(1) R. S., § 235, provides that there shall be in the office of the Commissioner of Internal Revenue, two deputy commissioners at \$3,000 a year each, to be employed under the direction of the Secretary of the Treasury, and R. S., § 322, that there shall be in this office "a Deputy Commissioner of Internal Revenue," at \$3,500 a year to be appointed by the President and confirmed by the Senate. The above act contemplated the existence of three prior to the recent death of one incumbent, and appropriations had been made for this number, one at \$3,500 a year and two at \$3,000, for several preceding years (16 Stat. L., 228, 422; 17 Stat. L., 68, 494). In two subsequent years appropriation was made for one at \$3,500 and one at \$3,000, neither being designated as "First Deputy Commissioner" in the appropriation acts (18 Stat. L., 22, 351). By 1875, March 3, ch. 130, § 2, *post*, p. 76, (see note 8, *post*, p. 75), it is provided that there should be a "deputy commissioner" at \$3,500 and "one deputy commissioner" at \$3,000. But in 1876, Aug. 15, ch. 267 (19 Stat. L., 151), appropriation is made for but one deputy commissioner at \$3,200. This has continued up to 1891, March 3, ch. 541 (26 Stat. L., 921).

18 Stat. L., 6.
Two deputy commissioners of Internal Revenue only:—one to be designated First Deputy.
R. S., §§ 235, 322, 323.

CHAP. 19.—An act authorizing coinage to be executed at the mints of the United States for foreign countries. January 29, 1874.

Be it enacted, &c., That it shall be lawful for coinage to be executed at the mints of the United States for any foreign country applying for the same, according to the legally prescribed standards and devices of such country, under such regulations as the Secretary of the Treasury may prescribe; and the charge for the same shall be equal to the expenses thereof, including labor, materials, and use of machinery, to be fixed by the director of the mint, with the approval of the Secretary of the Treasury: *Provided*, That the manufacture of such coin shall not interfere with the required coinage of the United States. [January 29, 1874.]

18 Stat. L., 6.
Coinage for foreign countries may be executed at United States mints.
R. S., §§ 3495, 3516.

CHAP. 22.—An act in relation to the lines of telegraph connecting the Capitol with the various Departments of the Government. February 4, 1874.

Be it enacted, &c., That the lines of telegraph, connecting the Capitol with the various Departments in Washington, constructed under and by virtue of the act of Congress approved March third, eighteen hundred and seventy-three, entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and seventy-four, and for other purposes," be, and the same are hereby, placed under the supervision of the officer in charge of the public buildings and grounds; and that the said officer be authorized and empowered to make rules and regulations for the working of said lines.

And the Secretary or Head of each Executive Department, and the Congressional Printer, are hereby authorized to detail one person from their present force of employees to operate the instruments in said Departments and printing office, and each House of Congress may provide for the employment of an operator in their respective wings of the Capitol, at a compensation not exceeding one hundred dollars per month, during the sessions of Congress. [February 4, 1874.]

18 Stat. L., 14.
Telegraph between Capitol and Departments to be under supervision of officer in charge of public buildings, &c.
1873, March 3, ch. 227 (17 Stat. L., 519).
R. S., § 1797.
1874, Mar. 7, ch. 50; June 23, ch. 461; *post*, pp. 5, 46.
1879, March 3, ch. 182, par. 5, *post*, p. 251.
—operation of, how conducted.

CHAP. 24.—An act changing the times for holding certain district courts of the United States, for the State of Iowa. February 9, 1874.

Be it enacted, &c., That instead of the times now fixed by law, the terms of the district courts of the United States for the district of Iowa, to be held in the city of Keokuk and the city of Council Bluffs, shall commence

18 Stat. L., 15.
District courts in Iowa, terms of.
R. S., § 572.
1880, Jan. 4, ch. 120, *post*, p. 190.

1882, July 20, ch. 312, § 7, and note, *post*, p. 358.

1888, April 19, ch. 127, *post*, p. 584.

1891, Feb. 24, ch. 282, *post*, p. 895.

Processes to be entered at said terms.

At Keokuk on the third Tuesday of January and the third Tuesday of June, and

At Council Bluffs on the fourth Monday of March and the fourth Monday of September in each year.

SEC. 2. That all causes, processes, suits, and proceedings now pending or commenced for said terms of court, or hereafter to be commenced, shall be continued or returned in and to said courts at the several times herein specified. [*February 9, 1874.*]

February 24, 1874.

CHAP. 35.—An act to change the titles of certain naval officers, and for other purposes.

18 Stat. L., 17. Assistant and passed assistant engineers in Navy: their title, &c.

R. S., §§ 1390, 1394, 1476, 1556.

1877, March 3, ch. 121, *post*, p.

Cadet engineers; course of instruction of, at Naval Academy.

R. S., § 1524.

1882, Aug. 5, ch. 391, pars. 1, 2, *post*,

p. 376.

1889, Mar. 2, ch. 396, and note, *post*,

p. 696. Repeal.

Be it enacted, &c., That from and after the passage of this act the title of first assistant engineer shall be changed to passed assistant engineer, and that the title of second assistant engineer shall be changed to assistant engineer: *Provided*, That the regulations of the Navy Department in relation to the examinations and amount of sea-service previous to each examinations be complied with.

SEC. 2. That from and after the thirtieth day of June eighteen hundred and seventy-four, the course of instruction at the Naval Academy for cadet-engineers (1) shall be four years, instead of two as now provided by law; and this provision shall first apply to the class of cadet-engineers entering the academy in the year eighteen hundred and seventy-four, and to all subsequent classes;

And that all acts or parts of acts inconsistent herewith be, and are hereby, repealed. [*February 24, 1874.*]

NOTE.—(1) Title changed to naval cadets 1882, Aug. 5, ch. 391, par. 1, *post*, p. 376. See also 1889, March 2, ch. 396, *post*, p. 696.

March 3, 1874.

CHAP. 43.—An act creating an additional land district in the Territory of New Mexico.

18 Stat. L., 18. La Messilla land district in New Mexico; location of land-office.

R. S., § 2256.

1888, Dec. 18, ch. 6, *post*, p. 637.

1889, Mar. 1, ch. 327, *post*, p. 660.

Register and receiver of, and where to reside.

R. S., § 2234.

Be it enacted, &c., That all that portion of the Territory of New Mexico lying south of the principal base line of said Territory shall constitute a separate land district, to be called the La Messilla land-district, the office of which shall be located at such place in said district as the President of the United States may direct, which may be changed from time to time as the public interest may require.

SEC. 2. That the President shall appoint, by and with the advice and consent of the Senate, a register and receiver of public moneys for said district, and said officers shall reside in the place where said land-office is located, and they shall have the same powers, perform the same duties, and receive the same emoluments as are or may be prescribed by law in relation to land offices of the United States in other Territories. [*March 3, 1874.*]

March 4, 1874.

CHAP. 44.—An act authorizing the chief clerk of the War Department to sign requisitions on the Treasury during the temporary absence of the Secretary of War.

18 Stat. L., 19.

Secretary of War may authorize chief clerk to sign requisitions, &c., in his absence.

R. S., §§ 177, 179, 215, 3673.

1890, March 5, ch. 26, *post*, p. 707.

1882, Aug. 5, ch. 389, par. 4, *post*, p. 373.

Be it enacted, &c., That when, from illness or other cause, the Secretary of War is temporarily absent from the War Department, he may authorize the chief clerk of the Department to sign requisitions upon the Treasury Department, and other papers requiring the signature of said Secretary; the same, when signed by the chief clerk during such temporary absence, to be of the same force and effect as if signed by the Secretary of War himself. [*March 4, 1874.*]

CHAP. 46.—An act to amend the fifteenth section of an act approved June eighth, eighteen hundred and seventy-two, entitled "An act to revise, consolidate, and amend the statutes relating to the Post-Office Department."

March 5, 1874.

18 Stat. L., 19.

Be it enacted, &c., That section fifteen of the act "to revise, consolidate and amend the statutes relating to the Post Office Department," approved June eighth, eighteen hundred and seventy-two, (1) be amended to read as follows:

"SEC. 15. That before entering upon the duties, and before they shall receive any salary, the Postmaster General, and all persons employed in the postal service, shall respectively take and subscribe before some magistrate or other competent officer authorized to administer oaths by the laws of the United States, or of any State or Territory, the following oath or affirmation:

"I, A. B. do solemnly swear (or affirm, as the case may be,) 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;

"And I also further swear (or affirm) that I will support the Constitution of the United States; so help me God."

"And this oath or affirmation may be taken before any officer civil or military holding a commission under the United States, and such officer is hereby authorized to administer and certify such oath or affirmation." [March 5, 1874.]

Oath to be taken by Postmaster General and all persons in postal service.

R. S., § 391.
1884, May 13, ch. 46, *post*, p. 428.
1890, Aug. 29, ch. 820, § 1, *post*, p. 791.

—form of.

—before what officer may be taken.
R. S., § 392.

NOTE.—(1) Section fifteen of the act of 1872, ch. 335 (17 Stat. L., 287), here referred to, is incorporated into Revised Statutes, §§ 391, 392.

CHAP. 50.—An act making an appropriation to pay the operators of the Government telegraph connecting the Departments with the two Houses of Congress.

March 7, 1874.

Be it enacted, &c., * * That said lines of telegraph shall be for the use only of Senators, Members of Congress, Judges of the United States courts, and officers of Congress and of the Executive Departments, and solely on public business. [March 7, 1874.]

18 Stat. L., 20.

Capitol and Department Telegraph.

1874, Feb. 4, ch. 22, *ante*, p. 3; 1874, June 23, ch. 461, *post*, p. 46; 1879, March 3, ch. 182, par. 5, *post*, p. 251.

CHAP. 57.—An act to provide for the issuing and recording of commissions to postmasters appointed by the President by and with the advice and consent of the Senate. (1)

March 18, 1874.

18 Stat. L., 23.

Be it enacted, &c., That hereafter the commissions of all postmasters appointed by the President, by and with the advice and consent of the Senate, shall be made out and recorded in the Post Office Department, and shall be under the seal of said Department, and countersigned by the Postmaster General, any laws to the contrary notwithstanding:

Provided, That the said seal shall not be affixed to any such commission until after the same shall have been signed by the President of the United States. [March 18, 1874.]

Commissions of Presidential postmasters to be made, sealed, and recorded in Post-Office Department.

R. S., §§ 1794, 3830.
1875, March 3, ch. 131, § 14, *post*, p. 78.

1888, Aug. 8, ch. 786, *post*, p. 605.

NOTE.—(1) By R. S., § 1794, all civil commissions for Presidential appointments are to be made out and recorded in the State Department. By § 238, the commissions of revenue officers are made out and recorded in the Treasury Department; by this act, those of postmasters, in the Post-Office Department; and by the acts noted in the margin, those of officers under the Secretary of the Interior, in the Interior Department, and of judicial officers, in the Department of Justice. By R. S. § 216, the Secretary of War is directed to perform duties intrusted to him by the President relative to military commissions.

March 23, 1874. **CHAP. 62.**—An act to authorize the President to accept for citizens of the United States the jurisdiction of certain tribunals in the Ottoman dominions, and Egypt, established, or to be established, under the authority of the Sublime Porte and of the government of Egypt.

18 Stat. L., 23.

Jurisdiction of courts of Ottoman government and Egypt over citizens of United States may be accepted, and that of consular courts suspended. by President.

R. S., §§ 4088-4091, 4098-4121, 4125-4130.

1878, June 14, ch. 193, *post*, p. 180.

1882, Aug. 5, ch. 399, *post*, p. 379.

Be it enacted, &c., That whenever the President of the United States shall receive satisfactory information that the Ottoman government, or that of Egypt, has organized other tribunals on a basis likely to secure to citizens of the United States, in their dominions, the same impartial justice which they now enjoy there under the judicial functions exercised by the minister, consuls, and other functionaries of the United States, pursuant to the act of Congress approved the twenty-second of June, eighteen hundred and sixty, entitled "An act to carry into effect provisions of the treaties between the United States, China, Persia, and other countries, giving certain judicial powers to ministers and consuls, or other functionaries of the United States in those countries, and for other purposes," (1) he is hereby authorized to suspend the operations of said acts as to the dominions in which such tribunals may be organized, so far as the jurisdiction of said tribunals may embrace matters now cognizable by the minister, consuls, or other functionaries of the United States in said dominions, and to notify the government of the Sublime Porte, or that of Egypt, or either of them, that the United States, during such suspension will, as aforesaid accept for their citizens the jurisdiction of the tribunals aforesaid over citizens of the United States which has heretofore been exercised by the minister, consuls, or other functionaries of the United States. (2)

Law ceding right to foreigners to hold immovable property in Turkey may be accepted by President for citizens of United States.

SEC. 2. That the President is hereby authorized for the benefit of American citizens residing in the Turkish dominions, to accept the recent law of the Ottoman Porte ceding the right of foreigners possessing immovable property in said dominions. (3) [*March 23, 1874.*]

NOTES.—(1) The provisions of the act of 1860, ch. 179 (12 Stat. L., 72), here referred to, are incorporated into Revised Statutes in the sections noted in the margin.

(2) The President issued his proclamation March 27, 1876, under this provision, suspending the jurisdiction of consular courts, as therein provided. See proclamation, 19 Stat. L., 652.

(3) The President issued his proclamation under this section October 29, 1874, accepting the law of the Ottoman Porte ceding the right of foreigners possessing immovable property in the Turkish dominions, which, with the protocol and law, may be found in 18 Stat. L. 850.

March 24, 1874. **CHAP. 64.**—An act to amend the act entitled "An act to prevent the extermination of fur-bearing animals in Alaska," approved July first, eighteen hundred and seventy.

18 Stat. L. 24.

Sec'y of Treasury may fix time to take seals on Saint Paul and Saint George Islands, and umber.

R. S., §§ 1960-1972.

1889, March 2, ch. 415, § 3, *post*, p. 701.

1891, March 3, ch. 561, § 14 *post*, p. 945.

Be it enacted, &c., That the act entitled "An act to prevent the extermination of fur-bearing animals in Alaska," approved July first, eighteen hundred and seventy, (1) is hereby amended so as to authorize the Secretary of the Treasury, and he is hereby authorized, to designate the months in which fur-seals may be taken for their skins on the islands of Saint Paul and Saint George, in Alaska, and in the waters adjacent thereto, and the number to be taken on or about each island respectively. [*March 24, 1874.*]

NOTE.—(1) The act of 1870, ch. 189, (16 Stat. L., 180), is incorporated into Revised Statutes in sections referred to in the margin.

March 24, 1874. **CHAP. 65.**—An act to establish bonded warehouses for the storing and cleansing of rice intended for exportation.

18 Stat. L., 24.

Bonded warehouses for storing, &c., imported rice; may be established at ports of entry.

R. S., §§ 2964, 2961, 2971.

Be it enacted, &c., That from and after the passage of this act importers' bonded warehouses, to be used for the storage and cleansing of imported rice intended for exportation to foreign countries, may be established at any port of entry in the United States, under such rules and regulations as the Secretary of the Treasury may prescribe. [*March 24, 1874.*]

CHAP. 72.—An act to approve an act of the legislative assembly of the District of Columbia relating to parishes of the protestant episcopal church. (1)

March 28, 1874.

Be it enacted, &c., That the act of the legislative assembly of the District of Columbia entitled "An act for the relief of parishes of the Protestant Episcopal Church in the District of Columbia," approved June twenty-sixth, eighteen hundred and seventy-three, be, and the same is hereby, approved; and that all acts now in force in the District of Columbia, inconsistent therewith, be, and the same are hereby repealed. [March 28, 1874.]

1884, April 23, ch. 28, *post*, p. 425.

NOTE.—(1) The act of the District legislature, here referred to, 1873, ch. 57, is as follows:

Be it enacted, &c., That in any parish of the Protestant Episcopal Church now existing in said District, or hereafter organized therein, residence within the limits of the parish shall no longer be prescribed as a qualification for voting at parish elections or other business meetings of the parish, or for holding office in the same; but any male member of the congregation above the age of twenty-one years may be admitted to vote at parish meetings, and shall be qualified to hold office in such parish, who shall own or lease a pew or part of a pew in the parish church, or, in case the pews are free, shall be a stated worshiper in the church, and who shall have been entered on the books of the parish, as required by existing law, and shall have complied with the other requirements of said law, or with such other conditions as a majority of the qualified voters of the parish may hereafter adopt at a parish meeting called for the purpose:

Provided, That in the case of a newly organized parish all male members of any church or congregation in communion with the Protestant Episcopal Church in the District of Columbia, of full age and uniting in the organization of such new parish, shall be qualified to vote at the first election of vestrymen thereof.

Sec. 2. That hereafter vestries of the Protestant Episcopal Church shall not be obliged to meet on any stated days or at any particular place, but only at such times and places as they may find most convenient; and if any vacancy shall happen in vestries after their election, or any person elected a vestryman shall refuse to serve, then the other vestrymen shall have power to appoint a person or persons, as the case may be, to serve until the next succeeding election; and any parish, by a vote of the majority of its qualified voters may at any parish meeting provide that the wardens of such parish shall be elected in the same manner as vestrymen, and be members of the vestry; and vestries shall have power to make all rules and regulations respecting the temporal government and support of their respective parishes, not inconsistent with public law.

Sec. 3. That vestries now existing shall be regarded as legally constituted, notwithstanding irregularities in their election or defect of qualifications in the voters by whom they were elected, and are hereby confirmed in their offices until the period appointed by law for the next election of vestries.

Sec. 4. That all acts or parts of acts now in force in the District of Columbia respecting the right and privileges of associate rector in parishes of the Protestant Episcopal Church in said District be and the same are hereby repealed. [June 26, 1873.]

18 Stat. L., 25.

Approval of act of District of Columbia relating to Protestant Episcopal Churches.

R. S. of D. C., §§ 533-544.

1883, March 3, ch. 124, *post*, p. 407.
3 Mackey, 579.

Qualification for voting and holding office.

—in case of newly organized parishes.

Vestries not required to meet on stated days, &c.

—vacancies in, how filled.

Warden, how may be elected.

Power of vestries.

Organization of existing vestries confirmed.

Laws as to rights, &c., of associate rectors repealed.

CHAP. 80.—An act concerning the practice in territorial courts, and appeals therefrom.

April 7, 1874.

18 Stat. L., 27.
Preamble.

Whereas, by the organic acts establishing several of the Territories of the United States, it is provided that certain courts thereof shall have common-law and chancery jurisdiction, and doubts have been entertained whether said jurisdictions must be exercised separately, or whether they may be exercised together in the same proceeding, and whether the codes and rules of practice adopted in said Territories which have authorized a mingling of said jurisdictions in the same proceeding, or a uniform course of proceeding in all cases legal and equitable, are repugnant to the said organic acts respectively: Therefore,

Be it enacted, &c., That it shall not be necessary in any of the courts of the several Territories of the United States (1) to exercise separately the common-law and chancery jurisdictions vested in said courts; and that the several codes and rules of practice adopted in said Territories respectively, in so far as they authorize a mingling of said jurisdictions or a uniform course of proceeding in all cases whether legal or equitable, be confirmed; and that all proceedings heretofore had or taken in said courts in conformity with said respective codes and rules of practice, so far as relates to the form and mode of proceeding, be, and the same are hereby, validated and confirmed:

Provided, That no party has been or shall be deprived of the right of trial by jury in cases cognizable at common law.

Sec. 2. That the appellate jurisdiction of the Supreme Court of the United States (2) over the judgments and decrees of said Territorial courts in cases of trial by jury shall be exercised by writ of error, and in all other cases by appeal according to such rules and regulations as to form and modes of proceeding as the said Supreme Court have prescribed or may hereafter prescribe:

In Territorial courts, common-law and chancery jurisdiction need not be exercised separately; and codes, rules, &c., mingling same confirmed.

R. S., §§ 1866-1868, 1907, 1908.

Right of trial by jury preserved.

Appellate jurisdiction of Supreme Court of United States, how exercised.

R. S., §§ 702, 703, 1909, 1911.

NOTES.—(1) As to courts in Alaska, see 1864, May 17, ch. 52, §§ 2, 7, *post*, pp. 431, 432; Indian Territory, 1890, March 1, ch. 333, *post*, p. 670, and 1890, May 2, ch. 182, §§ 29-42, *post*, p. 731; Oklahoma, 1890, May 2, ch. 162, § 9, *post*, p. 728.

(2) Appeal or writ of error, when to Supreme Court or circuit court of appeals, 1861, March 3, ch. 517, §§ 13, 15, *post*, p. 906.

Proceedings on appeal.

R. S., § 698.
99 U. S., 610.
105 U. S., 235.
119 U. S., 236.
132 U. S., 509.

Provided, That on appeal, instead of the evidence at large, a statement of the facts of the case in the nature of a special verdict, and also the rulings of the court on the admission or rejection of evidence when excepted to, shall be made and certified by the court below, and transmitted to the Supreme Court together with the transcript of the proceedings and judgment or decree; but no appellate proceedings in said Supreme Court, heretofore taken upon any such judgment or decree, shall be invalidated by reason of being instituted by writ of error or by appeal: * * * [Remainder of act relates to pending cases.] [April 7, 1874.]

April 17, 1874.

CHAP. 106.—An act to amend the act entitled "An act relating to the enrollment and license of certain vessels."

18 Stat. L., 30.

Enrollment and license of vessels on western and northern waters, how may be issued or renewed in districts other than where owned.

R. S., § 4328.

Be it enacted, &c., That the provisions of the act relating to the enrollment and license of vessels navigating the western rivers and the waters on the northern, northeastern, and northwestern frontiers of the United States, otherwise than by sea, approved February twenty-eighth, eighteen hundred and sixty-five (1), are hereby extended to include all vessels of the United States navigating the waters of the United States. [April 17, 1874.]

NOTE.—(1) The provisions of the act of 1865, ch. 69, (18 Stat. L., 444), here referred to, are incorporated into Revised Statutes in § 4328.

April 17, 1874.

CHAP. 107.—An act to authorize the employment of certain aliens as engineers and pilots.

18 Stat. L., 30.

Aliens, in certain cases, may be licensed as engineers and pilots to serve on steam-vessels.

R. S., §§ 4131, 4438, 4441, 4442.

1884, June 26, ch. 121, § 1, *post*, p. 440.

Be it enacted, &c., That any alien who, in the manner provided for by law, has declared his intention to become a citizen of the United States, and who shall have been a permanent resident of the United States for at least six months immediately prior to the granting of such license, may be licensed, as if already naturalized, to serve as an engineer or pilot upon any steam-vessel subject to inspection under the provisions of the act entitled "An act to provide for the better security of life on board of vessels propelled, in whole or in part, by steam, and for other purposes," approved February twenty-eighth, eighteen hundred and seventy-one (1). [April 17, 1874.]

NOTE.—(1) The provisions of the act of 1871, ch. 100 (16 Stat. L., 440), here referred to, are incorporated into Revised Statutes in §§ 4399-4500.

April 18, 1874.

CHAP. 110.—An act to amend the act entitled "An act for enrolling and licensing ships or vessels to be employed in the coasting trade and fisheries, and for regulating the same," passed February eighteen, seventeen hundred and ninety-three (1).

18 Stat. L., 31.

Certain canal-boats exempt from enrollment and license, and from customs fees.

R. S., §§ 4220, 4311-4390.

15 Opins., 52.

16 Opins., 247.

6 Fed. R., 636.

Be it enacted, &c., That the act to which this is a supplement shall not be so construed as to extend the provisions of the said act to canal boats or boats employed on the internal waters or canals of any State; and all such boats, excepting only such as are provided with sails or propelling machinery of their own adapted to lake or coastwise navigation, and excepting such as are employed in trade with the Canadas, shall be exempt from the provisions of the said act, and from the payment of all customs and other fees under any act of Congress. [April 18, 1874.]

NOTE.—(1) The provisions of the act of 1793, ch. 8 (1 Stat. L., 305), here referred to, are incorporated into Revised Statutes within §§ 4311-4285.

CHAP. 117.—An act to provide for the inspection of the disbursements of appropriations made by officers of the Army.

April 20, 1874.

18 Stat. L., 33.

Be it enacted, &c., That it shall be the duty of the Secretary of War to cause frequent inquiries to be made as to the necessity, economy, and propriety of all disbursements made by disbursing officers of the Army, and as to their strict conformity to the law appropriating the money; also to ascertain whether the disbursing officers of the Army comply with the law in keeping their accounts and making their deposits; such inquiries to be made by officers of the inspection department of the Army, or others detailed for that purpose:

Secretary of War to make frequent inquiries as to necessity, economy, &c., of disbursements by Army officers, &c. R. S., §§ 216, 1131.

1884, July 5, ch. 217, par. 7, *post*, p. 457.

—to report thereon to Congress annually.

R. S., § 228.

Provided, That no officer so detailed shall be in any way connected with the department or corps making the disbursement.

SEC. 2. That the reports of such inspections shall be made out and forwarded to Congress with the annual report of the Secretary of War. [April 20, 1874.]

CHAP. 127.—An act to establish the Bismarck land district in the Territory of Dakota.

April 24, 1874.

Be it enacted, &c., That all that portion of Dakota Territory lying north of the seventh standard parallel and west of the ninth guide-meridian be, and the same is hereby, created into a separate land district, to be known as the Bismarck district; and the land office for said district shall be located at the town of Bismarck, where the North Pacific Railroad intersects the Missouri River.

18 Stat. L., 34. Bismarck land district in N. Dakota.

R. S., § 2256.

1880, Jan. 21, ch. 8, *post*, p. 275.

1882, March 23, ch. 946, *post*, p. 807.

—register and receiver of.

R. S., §§ 2234-2247.

ch. 49, *post*, p. 334. 1883, March 3, ch. 140, *post*, p. 415. 1890, Sept. 26,

SEC. 2. That a register and a receiver shall be appointed for said district land office, who shall be governed by the same laws and receive the same compensation as prescribed for similar officers in the other land districts of said Territory. [April 24, 1874.]

CHAP. 168.—An act to establish an assay-office at Helena, in the Territory of Montana.

May 12, 1874.

Be it enacted, &c., That the Secretary of the Treasury is hereby authorized and required to establish an assay-office at Helena, in the Territory of Montana, the said assay-office to be conducted under the provisions of the act entitled "An act revising and amending the laws relative to the mints, assay-offices, and coinage of the United States," approved February twelfth, eighteen hundred and seventy-three (1).

18 Stat. L., 45. Assay-office at Helena, Montana, established.

R. S., § 3495-3562.

SEC. 2. [The provisions of this section have been executed.] [May 12, 1874.]

NOTE.—(1) The provisions of the act of 1873, ch. 131 (17 Stat. L., 424), here referred to, are incorporated into Revised Statutes, §§ 3495-3562.

CHAP. 186.—An act to amend an act entitled "An act to provide for the establishment of a military prison and for its government," approved March third, eighteen hundred and seventy-three (1).

May 21, 1874.

18 Stat. L., 48.

Be it enacted, &c., That said act be, and the same is hereby, so amended that all acts and things therein required to be done and performed at Rock Island, in the State of Illinois, shall be done and performed on the military reservation at Fort Leavenworth in the State of Kansas:

Military prison to be at Fort Leavenworth, Kansas, instead of at Rock Island.

1879, March 3, ch. 182, par. 6, *post*, p. 251.

R. S., §§ 1344, 1361.

1891, Jan. 19, ch. 80, *post*, p. 887.

Provided, That the Government buildings now on said military reservation at Fort Leavenworth shall be modified and used so far as practicable for the purposes of said prison. [May 21, 1874.]

NOTE.—(1) The act of 1873, ch. 249 (17 Stat. L., 582), here referred to, is incorporated into Revised Statutes in the sections noted in the margin.

June 1, 1874.

CHAP. 200.—An act for the benefit of occupying claimants

18 Stat. L., 50.
Occupants of land under color of title adjudged invalid, to have remedies, in Federal courts, for improvements.

R. S., § 721.

Be it enacted, &c., That when an occupant of land, having color of title, in good faith has made valuable improvements thereon, and is, in the proper action, found not to be the rightful owner thereof, such occupant shall be entitled in the Federal courts to all the rights and remedies, and, upon instituting the proper proceedings, such relief as may be given or secured to him by the statutes of the State or Territory where the land lies, although the title of the plaintiff in the action may have been granted by the United States after said improvements were so made. [June 1, 1874.]

June 5, 1874.

CHAP. 214.—An act changing the time of holding circuit and district courts in Vermont.

18 Stat. L., 53.
In Vermont courts to be held at Rutland on first Tuesday in October, and at Windsor on third Tuesday in May.

R. S., §§ 572, 568.

Be it enacted, &c., That the term of the circuit court holden at Rutland on the third day of October shall be held on the first Tuesday in October, and the term of the district court holden at Rutland on the sixth day of October shall be held on the first Tuesday of October.

The term of the circuit court holden at Windsor on the fourth Tuesday in July shall be held on the third Tuesday in May, and the term of the district court held at Windsor on the Monday after the fourth Tuesday of July shall be on the third Tuesday in May:

Provided, That this act shall not apply to the next terms of the circuit and district court to be holden at Windsor, but the same shall be held at the times now provided by law. [June 5, 1874.]

June 6, 1874.

CHAP. 216.—An act making appropriations for the naval service for the year ending June thirtieth, eighteen hundred and seventy-five, and for other purposes.

18 Stat. L., 58.
Commandant of Marine Corps. Repeal of law fixing rank as brigadier-general.

R. S., §§ 1596, 1601.

Hereafter to be colonel.

Be it enacted, &c., * * * *Provided*, That the office of commandant of the Marine Corps having the rank of a brigadier-general of the Army shall continue until a vacancy shall occur in the same, and no longer; (1) and when such vacancy shall occur in said office, immediately thereupon all laws and parts of laws creating said office shall become inoperative, and shall, by virtue of this act, from thenceforth be repealed:

And provided further, That thereafter the commandant of the Marine Corps shall have the rank and pay of a colonel, and shall be appointed by selection by the President from the officers of said corps. * * * [June 6, 1874.]

NOTE.—(1) The office became vacant November 1, 1876, and the commandant was appointed as provided by this act.

June 6, 1874.

CHAP. 218.—An act to change the name of the port of San Pedro, California, to Wilmington.

18 State. L., 61.
Wilmington to be future name of San Pedro, Cal.

R. S., § 2582.

1882, June 16, ch. 223, ante, p. 346.

Be it enacted, &c., That the port of San Pedro, on the Pacific coast, shall be called Wilmington. (1)

[June 6, 1874.]

NOTE.—(1) This act is incorporated into the second edition of the Revised Statutes in § 2582.

CHAP. 219.—An act to equalize pensions in certain cases.

June 6, 1874.

Be it enacted, &c., That all persons entitled to pensions under special acts fixing the rate of such pensions, and now receiving or entitled to receive a less pension than that allowed by the general pension laws under like circumstances, are, in lieu of their present rate of pension, hereby declared to be entitled to the benefits and subject to the limitations of the general pension laws entitled "An act to revise, consolidate, and amend the laws relating to pensions," approved March third, eighteen hundred and seventy-three; (1) and that this act go into effect from and after its passage:

Provided, That this act shall not be construed to reduce any pension granted by special act. [June 6, 1874.]

NOTE.—(1) The provisions of the act of 1873, ch. 234 (17 Stat. L., 566), here referred to, are incorporated into Revised Statutes, with §§ 4692-4785.

18 Stat. L., 61.
Pensioners under special acts to have benefits of general law.
R. S., §§ 4715-4720.
1882, July 25, ch. 349, §5, *post*, p. 361.

—pensions of, not to be reduced thereby.

CHAP. 223.—An act obviating the necessity of issuing patents for certain private land-claims in the State of Missouri, and other purposes.

June 6, 1874.

Be it enacted, &c., That all of the right, title, and interest of the United States in and to all of the lands in the State of Missouri which have at any time heretofore been confirmed to any person or persons by any act of Congress, or by any officer or officers, or board or boards of commissioners, acting under and by authority of any act of Congress, shall be, and the same are hereby, granted, released, and relinquished by the United States, in fee-simple, to the respective owners of the equitable titles thereto, and to their respective heirs and assigns forever, as fully and as completely, in every respect whatever, as could be done by patents issued therefor according to law.

18 Stat. L., 62.
Title of lands in Missouri confirmed by acts of Congress, public officers, &c., released in fee to equitable owners.
1874, June 22, ch. 422, and note, *post*, pp. 40, 41.
98 U. S. R., 203.

SEC. 2. That nothing contained in the first section of this act shall, in any manner, abridge, divest, impair, injure, or prejudice any valid right, title or interest of any person or persons in or to any portion or part of the lands mentioned in said first section; and this act shall in nowise affect any lands or lots heretofore relinquished to the United States.

—without affecting valid rights, &c.

SEC. 3. That whenever the Secretary of the Interior shall be of the opinion that the public interest no longer requires the continuance of the office of recorder of land titles in Missouri, he may close and discontinue the same; (1) and all of the records, maps, plats, field-notes, books, papers, and everything else concerning, pertaining, or belonging to said office of recorder, shall be delivered to the State of Missouri:

Office of recorder of land titles in Missouri may be discontinued.
1876, July 31, ch. 246, par. 8, *post*, p. 115.

Provided, however, That said State shall provide by law for the reception and safe-keeping of said records, maps, plats, field-notes, books, papers, and everything else belonging to said office of recorder, as public records, and for the allowance of free access to the same by the authorities of the United States, for the purpose of taking extracts therefrom, or making copies thereof, without charge of any kind: (2)

State to provide for safe-keeping of records, &c.
R. S., §§ 2218-2222.

And provided further, That when said office of recorder shall be closed and discontinued as aforesaid, the Commissioner of the General Land-Office shall forever thereafter possess and exercise all of the powers and authority and perform all the duties of said recorder. [June 6, 1874.]

Commissioner of General Land Office to have powers of recorder, &c.
R. S., § 453,
1876, July 31, ch. 246, par. 8, *post*, p. 115.

NOTES.—(1) The office of recorder of land titles for Missouri is abolished by 1876, ch. 246, par. 8, *post*, p. 115.

(2) The State of Missouri, by act of April 23, 1877, made provisions for the reception and safe-keeping of the records, maps, &c., of the recorder's office, as by this act required.

June 8, 1874.

CHAP. 256.—An act authorizing corrections to be made in errors of prize-lists.

18 Stat. L., 63.
Prize-money allowed to officers serving as division commanders and fleet captains from April, 1861, and how paid.

R. S., § 4631, pars. 1, 2.

Be it enacted, &c., That the second and third paragraphs of the tenth section of the navy-prize law, approved June thirtieth, eighteen hundred and sixty-four (1), which relates to the shares of commanders of divisions and fleet-captains, shall apply to officers serving in those positions from April, eighteen hundred and sixty-one, (the commencement of the late war,) and the shares shall be paid in the manner as provided for division-commanders in said second paragraph, said payments to be made out of the naval pension fund; and all acts inconsistent with the provisions of this act be, and the same are hereby, repealed. [June 8, 1874.]

NOTE.—(1) The provisions of the act of 1864, ch. 174, § 10 (13 Stat. L., 309) here referred to are incorporated into Revised Statutes. § 4631, pars. 1, 2.

June 9, 1874.

CHAP. 259.—An act to facilitate the exportation of distilled spirits, and amendatory of the acts in relation thereto.

18 Stat. L., 64.

Distilled spirits may be withdrawn from bonded warehouse for export by giving transportation bond.

R. S., §§ 3320, 3330.

1877, March 3, ch. 114, § 5, *post*, p. 140.

1879, March 1, ch. 125, § 10, *post*, p. 236; 1879, Dec. 20, ch. 1, *post*, p. 275.

1890, Oct. 1, ch. 1244, § 46, *post*, p. 367. 16 Opins., 634.

Exporter to notify collector of arrival at port of export.

—to file export-entry.

—to give bond.

Collector of port to transmit to collector of internal revenue clearance certificate and gauger's report.

Transportation bond, when to be canceled.

Export bond, when to be canceled.

Be it enacted, &c., That whenever the owner or owners of distilled spirits shall desire to withdraw the same from any distillery bonded warehouse for exportation under existing law, such owner or owners may at their option, in lieu of executing an export bond as now provided by law, give a transportation bond with sureties satisfactory to the collector of internal revenue, and under such rules and regulations as the Secretary of the Treasury may prescribe, conditioned for the due delivery thereof on board ship at a port of exportation to be named therein;

And in such case, on arrival of the spirits at the port of export, the exporter or owner at that port shall immediately notify the collector of the port of the fact, setting forth his intention to export the same, and the name of the vessel upon which the same are to be laden, and the port to which they are intended to be exported.

He shall, after the quantity of spirits has been determined by the gauger and inspector, file with the collector of the port an export-entry verified by his oath or affirmation.

He shall also give bond to the United States, with at least two sureties, satisfactory to the collector of customs, conditioned that the principal named in said bond will export the spirits as specified in said entry to the port designated in said entry, or to some other port without the jurisdiction of the United States.

And upon the lading of such spirits, the collector of the port, after proper bonds for the exportation of the same have been completed by the exporter or owner at the port of shipment thereof, shall transmit to the collector of internal revenue of the district from which the said spirits were withdrawn for exportation, a clearance certificate and a detailed report of the gauger, which report shall show the capacity of each cask in wine-gallons, and the contents thereof in wine-gallons, proof-gallons, and taxable gallons.

Upon receipt of the certificate and report, and upon payment of tax on deficiency, if any, the collector of internal revenue shall cancel the transportation bond.

The bond required to be given for the landing at a foreign port of distilled spirits shall be cancelled 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 any other port without the jurisdiction of the United States or upon satisfactory proof that after shipment the same were lost at sea without fault or neglect of the owner or shipper thereof.

SEC. 2. That on and after the first day of July, eighteen hundred and seventy-four, for the expense of providing and affixing the stamps to each cask containing distilled spirits for exportation, there shall be charged ten cents for each stamp instead of twenty-five cents as now required by law. [*June 9, 1874.*]

Expense of stamp to be ten cents.
R. S., § 3330.
1880, May 28, ch. 103, § 16, *post*, p. 288.

CHAP. 275.—An act making appropriations for the consular and diplomatic service of the Government for the year ending June thirtieth, eighteen hundred and seventy-five, and for other purposes.

June 11, 1874.
18 Stat. L., 66.

Be it enacted, &c. [*Par. 1.*] And the Secretary of State is authorized to allow and pay to the secretary of legation and to the second secretary of legation and to the messenger of the legation in Paris, from the moneys collected at the legation for the transmission of consular invoices, an amount not to exceed in the aggregate six hundred dollars in any one year, to be divided and distributed as the Secretary of State may direct, (1) provided that the surplus receipts are sufficient for that purpose.

Secretaries of legation and messenger at Paris to have allowance from moneys collected for transmission of invoices.
R. S., § 1637.

[*Par. 2.*] The bonds which consular officers who are not compensated by salaries are required by the thirteenth section of the act of August eighteenth, eighteen hundred and fifty-six, (2) to enter into, shall hereafter be made with such sureties as the Secretary of State shall approve.

Sureties on bonds of certain consuls to be such as Secretary of State may approve
R. S., § 1697.

SEC. 3. That the President shall be, and is hereby, authorized to appoint interpreters to the consulates at ShangLai, Tien Tsin, Fowchow, and Kanagawa, and to allow them salaries not to exceed, in either case, the rate of two thousand dollars a year;

Interpreters to consulates in China and Japan; appointment and salary.
R. S., § 1692.

And to appoint interpreters to the consulates at Hankow, Amoy, Canton, and Hong-Kong, and to allow them salaries not to exceed, in either case, the rate of seven hundred and fifty dollars a year;

And also to allow, at his discretion, a sum not exceeding the rate of five hundred dollars for any one year to any one consulate in China or Japan, respectively, not herein named, for expenses of interpretation; and that section six of the act entitled "An act to regulate the diplomatic and consular systems of the United States," approved August eighteenth, eighteen hundred and fifty-six, is hereby repealed. (3)

1885, Feb. 25, ch. 150, par. 4, *post*, p. 479.

SEC. 4. That the Secretary of State shall, as soon as practicable, establish and determine the maximum amount of time actually necessary to make the transit between each diplomatic and consular post and the city of Washington, and vice versa, and shall make the same public. He may also, from time to time, revise his decision in this respect; but in each case the decision is to be in like manner made public.

Time of transit allowed to diplomatic and consular officers to be established by Secretary of State, &c.
R. S., § 1742.

And the allowance for time actually and necessarily occupied by each diplomatic and consular officer who may be entitled to such allowance shall in no case exceed that for the time thus established and determined, with the addition of the time usually occupied by the shortest and most direct mode of conveyance from Washington to the place of residence in the United States of such officer.

Allowance of time not to be exceeded, &c.

SEC. 5. That from and after the first day of July next, the annual salary of consular clerks who shall have remained continuously in service as such for the period of five years and upward shall be one thousand two hundred dollars.

Salary of consular clerks after five years' service.
R. S., § 1704.

NOTES.—(1) Under this provision the Secretary of State directed the money to be divided equally among the three persons named.

(2) The provisions here referred to of the act of 1856, ch. 127 (11 Stat. L., 52), are incorporated into Revised Statutes in the sections noted in the margin.

(3) Section 6 of the act of 1856, ch. 127 (11 Stat. L., 55) here repealed, forms § 1692 of the Revised Statutes, which therefore seems to be superseded or repealed by the provisions of this act.

Vice-consuls acting as consuls to receive compensation though aliens. R. S., §§ 1703, 1744.

SEC. 6. (4) That any vice-consul who may be temporarily acting as consul during the absence of such consul may receive compensation, notwithstanding that he is not a citizen of the United States. * * * [June 11, 1874.]

NOTE.—(4) The provision of this section seems to have reference to that part of section 21 of the act of 1856, ch. 127 (11 Stat. L., 60), which provided that compensation to officers mentioned in Schedules B and C should not apply to the payment of any such officer who shall not be a citizen of the United States, but which was omitted from the Revised Statutes as the section was incorporated therein in section 1744.

June 16, 1874.

18 Stat. L., 72.

Claims for stores furnished Army by loyal citizens during rebellion, how considered.

1864, July 4, ch. 240, (13 Stat. L., 381). 1866, June 18, Res. No. 50; July 28, Res. No. 99. 1867, ch. 57 (14 Stat. L., 397). 1869, Dec. 23, Res. No. 5. 1871, March 3, Res. No. 50, (16 Stat. L., 369, 600). 1871, April 20, ch. 21, § 27, (17 Stat. L., 12). R. S., 2d Ed., §§ 300 A, 300 B. 1878, April 30, ch. 77, *post*, p. 159. 1879, March 3, ch. 287, §§ 2, 3, (20 Stat. L., 50). 1880, June 15, ch. 230, (21 Stat. L., 586). 15 C. Cls., 453.

CHAP. 285.—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.

SEC. 2. * * * And the Quartermaster General, Commissary General, and Third Auditor of the Treasury shall continue to receive, examine, and consider the justice and validity of such claims as shall be brought before them under the act of July fourth, eighteen hundred and sixty-four, and the acts amendatory thereof; and the Secretary of the Treasury shall make report of each claim allowed by them, at the commencement of each session of Congress, to the Speaker of the House of Representatives, who shall lay the same before Congress for consideration. [June 16, 1874.]

June 16, 1874.

18 Stat. L., 75.

Circuit and district courts of eastern district of Wisconsin to be held at Oshkosh on second Tuesday of July.

R. S., §§ 572, 658. —without interfering with right to hold special terms.

CHAP. 286.—An act to change the time for holding the circuit and district courts of the United States for the eastern district of Wisconsin at Oshkosh.

Be it enacted, &c., That the time of holding the circuit and district courts of the United States for the eastern district of Wisconsin, at Oshkosh, be on the second Tuesday of July of each year, instead of the first Monday of July, as now provided by law; * * * [Words omitted relate to pending cases.]

SEC. 2 That this act shall not interfere with the terms of said courts appointed to be holden at Milwaukee, in said district, nor with the power now possessed by the judges of said courts to order special terms of the same as now provided by law. [June 16, 1874.]

June 17, 1874.

18 Stat. L., 77.

Diplomatic, &c., officers not to be absent more than ten days at a time without leave, &c.

R. S., §§ 1741, 1742. 14 Opins., 534. 1885, Feb. 25, ch. 150, par. 3, *post*, p. 479.

—not to correspond with private parties on public affairs;

R. S. § 1751.

CHAP. 294.—An act relating to ambassadors, consuls and other officers.

Be it enacted, &c., That no Ambassador, Envoy Extraordinary, Minister Plenipotentiary, Minister Resident, Commissioner to any foreign country, chargé d'affaires, Secretary of Legation, Assistant Secretary of Legation, Interpreter to any legation in any foreign country, Consul General, Consul, Commercial Agent, consular pupils, 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. And no compensation shall be allowed for the time of any such absence in any case except in cases of sickness;

Nor shall any diplomatic or consular officer 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 without the consent of the Secretary of State previously obtained, 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. [June 17, 1874.]

—nor recommend persons for employment;
R. S. § 1751.

—nor accept presents for themselves or others.
R. S., § 1751.

CHAP. 298.—An act to increase the pensions of soldiers and sailors who have been totally disabled.

June 18, 1874.

18 Stat. L., 78.

Be it enacted, &c., That section four (1) of the act entitled "An act to revise, consolidate, and amend the laws relating to pensions," and approved March third, eighteen hundred and seventy-three, be so amended that all persons who, while in the military or naval service of the United States, and in the line of duty, shall have been so permanently and totally disabled as to require the regular personal aid and attendance of another person, by the loss of the sight of both eyes, or by the loss of the sight of one eye, the sight of the other having been previously lost, or by the loss of both hands, (2) or by the loss of both feet, or by any other injury resulting in total and permanent helplessness, shall be entitled to a pension of fifty dollars (3) per month; and this shall be in lieu of a pension of thirty-one dollars and twenty-five cents per month granted to such person by said section:

Provided, That the increase of pension shall not be granted by reason of any of the injuries herein specified unless the same have resulted in permanent total helplessness requiring the regular personal aid and attendance of another person.

SEC. 2. That this act shall take effect from and after the fourth day of June, eighteen hundred and seventy-four. [June 18, 1874.]

Pension of \$50 per month allowed to persons permanently and totally disabled in military or naval service.

R. S., §§ 4697, 4698.

1878, June 17, ch. 261, *post*, p. 188.

1880, June 16, ch. 236, *post*, p. 299.

1890, March 4, ch. 25, *post*, p. 707.

107 U. S., 67.

128 U. S., 42.

Pensions of \$50 &c.: only in case of permanent total helplessness, &c.

When act takes effect.

NOTES.—(1) Section four, here referred to, of the act of 1873, ch. 234 (17 Stat. L., 569), is incorporated into the Revised Statutes in the sections noted in the margin.

(2) For loss of both hands, increased to \$100 by 1889, Feb. 12, ch. 132, *post*, p. 642. For loss of one hand and one foot, see 1877, Feb. 28, ch. 73, *post*, p. 131, amending R. S., § 4698. See also 1883, March 3, ch. 91, *post*, p. 339, and 1886, Aug. 4, ch. 869, *post*, p. 511.

(3) Increased to \$72 by the acts noted in the margin.

CHAP. 301.—An act to amend the law relating to patents, trade marks, and copyrights.

June 18, 1874.

18 Stat. L., 78.

Be it enacted, &c., That no person shall maintain an action for the infringement of his copyright unless he shall give notice thereof by inserting in the several copies of every edition published, on the title page or the page immediately following, if it be a book; or if a map, chart, musical composition, print, cut, engraving, photograph, painting, drawing, chromo, statue, statuery, or model or design intended to be perfected and completed as a work of the fine arts, by inscribing upon some visible portion thereof, or of the substance on which the same shall be mounted, the following words, viz:

Copyrighted books to have certain notice thereof printed on each book, or no action maintainable for infringement.

R. S., § 4962.

1882, August 1, ch. 366, *post*, p. 363.

1891, March 3, ch. 565, *post*, p. 951.

111 U. S. 53.

128 U. S. 657.

14 Blatch., 264.

2 Fed. Rep., 222.

29 Fed. Rep. 15.

30 Fed. Rep. 627.

Fee for recording assignment or for copy.

R. S., § 4958.

1891, March 3, ch. 565, § 4, *post*, p. 952.

"Entered according to act of Congress, in the year —, by A. B. in the office of the Librarian of Congress, at Washington;" or, at his option the word "Copyright," together with the year the copyright was entered, and the name of the party by whom it was taken out; thus—"Copyright, 18—, by A. B."

SEC. 2. That for recording and certifying any instrument of writing for the assignment of a copyright, the Librarian of Congress shall receive from the persons to whom the service is rendered, one dollar; and for every copy of an assignment, one dollar; said fee to cover, in either case, a certificate of the record, under seal of the Librarian of Congress; and all fees so received shall be paid into the Treasury of the United States.

Engravings, etc., which may be copyrighted.

R. S., § § 4952, 4962.

—others may be registered in Patent Office, etc.

R. S., § 4929.

25 Fed. Rep. 466.

35 Fed. Rep. 211.

SEC. 3. That in the construction of this act, the words "Engraving," "cut" and "print" shall be applied only to pictorial illustrations or works connected with the fine arts,

And no prints or labels designed to be used for any other article of manufacture shall be entered under the copyright law, but may be registered in the Patent Office. And the Commissioner of Patents is hereby charged with the supervision and control of the entry or registry of such prints or labels, in conformity with the regulations provided by law as to copyright of prints, except that there shall be paid for recording the title of any print or label not a trade mark, six dollars, which shall cover the expense of furnishing a copy of the record under the seal of the Commissioner of Patents, to the party entering the same.

Repeal.

SEC. 4. That all laws and parts of laws inconsistent with the foregoing provisions be and the same are hereby repealed.

When act takes effect.

SEC. 5. That this act shall take effect on and after the first day of August, eighteen hundred and seventy-four. [June 18, 1874.]

June 18, 1874.

18 Stat. L., 80.

CHAP. 305.—An act to authorize the issuance of patents for lands granted to the State of Oregon in certain cases.

Whereas certain lands have heretofore, by acts of Congress, been granted to the State of Oregon to aid in the construction of certain military wagon-roads in said State, and there exists no law providing for the issuing of formal patents for said lands: Therefore,

Patents for lands granted for construction of wagon roads in Oregon, to be issued when they are completed.

1866, ch. 167 (14 Stat. L., 86).

1866, ch. 174 (14 Stat. L., 89).

1867, ch. 77 (14 Stat. L., 409). 1869, ch. 150 (15 Stat. L., 340).

1889, Mar. 2, ch. 377 (25 Stat. L., 850). 5 Fed. R., 328; 29 Fed. R., 832.

—without creating new rights, &c.

Be it enacted, &c., That in all cases when the roads in aid of the construction of which said lands were granted are shown by the certificate of the governor of the State of Oregon, as in said acts provided, to have been constructed and completed, patents for said lands shall issue in due form to the State of Oregon as fast as the same shall, under said grants, be selected and certified, unless the State of Oregon shall by public act have transferred its interests in said lands to any corporation or corporations, in which case the patents shall issue from the General Land Office to such corporation or corporations upon their payment of the necessary expenses thereof:

Provided, That this shall not be construed to revive any land grant already expired nor to create any new rights of any kind except to provide for issuing patents for lands to which the State is already entitled. [June 18, 1874.]

June 20, 1874.

18 Stat. L., 85.

CHAP. 328.—An act making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June thirtieth, eighteen hundred and seventy-five, and for other purposes.

Sergeant-at-Arms of Senate to receive no fees.

R. S., § 52.

Sergeant-at-Arms of House to receive no fees.

R. S., § 53.

1890, Oct. 1, ch. 1256, *post*, p. 876.

Be it enacted, &c., * * [Par. 1.] Senate * * Sergeant-at-Arms and Door-keeper, four thousand three hundred and twenty dollars: *Provided*, That hereafter he shall receive, directly or indirectly, no fees or other compensation or emolument whatever for performing the duties of the office, or in connection therewith, otherwise than as aforesaid. (1) * *

[Par. 2.] House of Representatives * * Sergeant-at-Arms, four thousand three hundred and twenty dollars; *Provided*, That hereafter he shall receive, directly or indirectly, no fees or other compensation or emolument whatever for performing the duties of the office, or in connection therewith, otherwise than as aforesaid. (1) * *

NOTE.—(1) These provisions are the same in Revised Statutes, §§ 52, 53, and are repeated here and in subsequent appropriation acts (18 Stat. L., 346).

[Par. 3.] For compensation of * * two Assistant Secretaries of State, at three thousand five hundred dollars each; and one additional Assistant Secretary of State, with like compensation, to be appointed by the President, by and with the advice and consent of the Senate, to be known as the Third Assistant Secretary of State:

Third Assistant Secretary of State
R. S., § 200.

[Par. 4.] That from and after the first day of July next a fee of five dollars (2) shall be collected for each citizen's passport issued from the Department. An account of these fees shall be kept, and the amount collected shall be paid into the Treasury of the United States at least quarterly.

Passport fee of \$5 to be collected, etc.
R.S. §§ 212, 4075.

Provided, That the Secretary of State may prescribe duties for the Assistant Secretaries, the Solicitor, not interfering with his duties as an officer of the Department of Justice, and the clerks of Bureaus, as well as for all the other employees in the Department, and may make changes and transfers therein when, in his judgment, it be omes necessary. * *

Secretary of State may prescribe duties of certain officers and employes, make changes, &c.
R.S., §§ 200, 202.

[Par. 5.] For compensation to designated depositaries at Buffalo, New York; Louisville, Kentucky; and Pittsburgh, Pennsylvania, for receiving, safely keeping, and paying out public money, * *

Compensation of certain designated depositaries limited.

Provided, That no compensation shall be allowed for the above services when the emoluments of the office of which said designated depositary is in commission amounts to the maximum compensation fixed by law; nor shall the amount allowed to any of said designated depositaries for such services, when added to the emoluments of the office of which he is in commission, be more than sufficient to make the maximum compensation fixed by law:

R. S., §§ 3655, 3656.
1876, Aug. 15, ch. 287, par. 9, *post*, p. 120.
8 C. Cls., 235.
10 C. Cls., 229.

And provided further, That the whole allowance to any designated depositary for such service shall not exceed one thousand five hundred dollars per annum. (3) * *

—further limited.

[Par. 6.] And hereafter all salaries under the Director of the Mint at Washington and at the various mints shall be at the rates appropriated for in this act. (4) * *

Salaries at mints and Mint Bureau
R. S., § 345.

[Par. 7.] To reopen the branch mint at New Orleans to be conducted hereafter as a mint, subject to the provisions and restrictions of the coinage act of eighteen hundred seventy-three (5) * *

Mint at New Orleans to be reopened.
11, *post*, p. 120.

[Par. 8.] And hereafter it shall be the duty of the secretary of each Territory to furnish estimates in detail for the lawful expenses thereof, to be presented to the Secretary of the Treasury on or before the first day of October of every year. * *

Territorial secretaries to furnish annual estimates.
R. S., § 1844.

[Par. 9.] Hereafter it shall be unlawful to allow or pay to any of the persons designated in this act any additional compensation from any source whatever, or to retain, detail, or employ in any branch of the War Department in the city of Washington any per-

Additional compensation and employment prohibited, except, &c.

NOTES.—(2) Reduced to one dollar by 1888, March 23, ch. 34, *post*, p. 522.

(3) This limitation is repeated in 1875, ch. 129 (18 Stat. L., 355).

(4) The rates here appropriated for may be found in 18 Stat. L., 96-98, but are here omitted, because practically superseded by subsequent acts, which annually fix varying salaries for these offices, with the provision that they shall be "in full compensation for the service of the fiscal year." See appropriation acts for 1891-'93 (26 Stat. L., 908, 923, 927-929); also, 109 U. S., 143.

(5) The act of 1873, ch. 131, (17 Stat. L., 435), here referred to, is incorporated into the Revised Statutes, §§ 3496-3502.

R. S., §§ 1763, 1765, sons other than those herein authorized (6) except in the Signal-Offices and the Engineer Corps, and except such commissioned officers all the Secretary of War may, from time to time, assign to special duties: * *

Attorney-General to report contingent expenses. R. S., §§ 193, 334. 1879, June 30, ch. 52, § 3, *post*, p. 270.

Clerks of courts, marshals, and district attorneys to reside in their districts, &c. R. S., §§ 619, 767, 776. SEC. 2. That every clerk of the circuit or district court of the United States, United States marshal, or United States district attorney, shall reside permanently in the district where his official duties are to be performed, and shall give his personal attention thereto; and in case any such officer shall remove from his district, or shall fail to give personal attention to the duties of his office, except in case of sickness, such office shall be deemed vacant:

—exception as to southern district of New York. *Provided*, That in the southern district of New York said officers may reside within twenty miles of their districts.

Civil officers to receive no extra compensation, except, &c. R. S., §§ 843, 1762-1765. SEC. 3. That no civil officer of the Government shall hereafter receive any compensation or perquisites, directly or indirectly, from the treasury or property of the United States beyond his salary or compensation allowed by law:

1869, Mar. 2, ch. 411, par. 1, *post*, p. 698. 15 C. Cls., 22. 16 C. Cls., 88, 102; 26 C. Cls., Smith's case. *Provided*, That this shall not be construed to prevent the employment and payment by the Department of Justice of district attorneys as now allowed by law for the performance of services not covered by their salaries or fees.

Permanent appropriation for expenses of national securities, &c., repealed. R. S., § 3689, p. 725. SEC. 4. That the act entitled "An act limiting the appropriation of certain moneys for the preparation, issue, and reissue of certain securities of the United States, and for other purposes," approved May twenty-third, eighteen hundred and seventy-two, (7) and all other acts and parts of acts making permanent appropriations for the expenses of the national loan, except the second section of the act approved July fourteenth, eighteen hundred and seventy, entitled "An act to authorize the refunding of the national debt," are hereby repealed, this repeal to take place on the first day of July next;

—Secretary of Treasury to submit annual estimate. R. S., 3669. And hereafter the Secretary of the Treasury shall annually submit to Congress detailed estimates of appropriations required for said expenses; * *

Unexpended appropriations after two years to be covered into Treasury. R. S., § 3689. SEC. 5. That from and after the first day of July, eighteen hundred and seventy-four, and of each year thereafter, the Secretary of the Treasury shall cause all unexpended balances of appropriations which shall have remained upon the books of the Treasury for two fiscal years to be carried to the surplus fund and covered into the Treasury:

1882, Aug. 5, ch. 389, § 5, *post*, p. 375. *Provided*, That this provision shall not apply to permanent specific appropriations, appropriations for rivers and harbors, light-houses, fortifications, public buildings, or the pay of the navy and marine corps; but the appropriations named in this proviso shall continue available until otherwise ordered by Congress. * * [June 20, 1874.]

Notes.—(6) This act appropriated for pay of clerks in the different bureaus of the War Department, but as the numbers vary in the annual appropriation acts since made, the numbers and salaries fixed by the provisions of this act may be regarded as superseded by 1882, Aug. 5, ch. 389, § 4, *post*, pp. 374, 375, which limits the clerkships, etc., in the Departments at Washington to those annually appropriated for. See 1886, July 29, ch. 810, *post*, p. 502, and 24 C. Cls., 517.

(7) The provision of the act of 1872, ch. 197 (17 Stat. L., 166), here referred to, and repealed, is incorporated into Revised Statutes, § 3689 (second edition, page 725), under heading "Expenses of national loan."

The provision of the second section of the act of 1870, ch. 256 (16 Stat. L. 272) here referred to as unrepealed, is incorporated into Revised Statutes, § 3689 (2d edition, p. 725), under heading "Refunding the national debt."

CHAP. 330.—An act to authorize the issue of duplicate agricultural land scrip where the original has been lost or destroyed.

June 20, 1874.

18 Stat. L., 111.

Be it enacted, &c., That the provisions of the act of Congress of the twenty-third day of June, eighteen hundred and sixty, (1) relating to the reissue of land warrants in certain cases, be, and the same are hereby, extended so as to include the reissue of agricultural-college land scrip lost, cancelled or destroyed without the fault of the owner thereof, under such rules and regulations as the Secretary of the Interior may prescribe. [June 20, 1874.]

In case of loss or destruction of agricultural-college land scrip new certificates may be obtained.

R. S., §§ 2441, 2442.

1862 July 2, ch. 180 (12 Stat. L., 508).

NOTE.—(1) The provisions of the act of 1860, ch. 208 (12 Stat. L., 90), here referred to, are incorporated into the sections of Revised Statutes noted in the margin.

CHAP. 331.—An act making additions to the fifteenth section of the act approved July 2, 1864, entitled "An act to amend an act entitled 'An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes' approved July 1, 1862."

June 20, 1874.

18 Stat. L., 111.

Be it enacted, &c., That there shall be, and is hereby, added to the fifteenth section of the act approved July second, eighteen hundred and sixty-four, entitled "An act to amend an act entitled 'An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military and other purposes,' approved July first, eighteen hundred and sixty-two," the following words, namely:

Pacific railroads.

1862, ch. 120 (12 Stat. L., 489).

1864, ch. 216 (13 Stat. L., 356).

R. S., §§ 5256, 5257, 5262.

"And any officer or agent of the companies authorized to construct the aforesaid roads, or of any company engaged in operating either of said roads, who shall refuse to operate and use the road or telegraph under his control, or which he is engaged in operating for all purposes of communication, travel, and transportation, so far as the public and the Government are concerned, as one continuous line, or shall refuse, in such operation and use, to afford and secure to each of said roads equal advantages and facilities as to rates, time, or transportation, without any discrimination of any kind in favor of, or adverse to, the road or business of any or either of said companies, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined in any sum not exceeding one thousand dollars, and may be imprisoned not less than six months.

Officers and agents required to use roads and telegraph as continuous line, and to allow equal advantages, &c., to each road, under penalty.

In case of failure or refusal of the Union Pacific Railroad Company, or either of said branches, to comply with the requirements of this act and the acts to which this act is amendatory, the party injured or the company aggrieved may bring an action in the district or circuit court of the United States in the Territory, district, or circuit in which any portion of the road of the defendant may be situated, for damages on account of such failure or refusal; and, upon recovery, the plaintiff shall be entitled to judgment for treble the amount of all excess of freight and fares collected by the defendant, and for treble amount of damages sustained by the plaintiff by such failure or refusal; and for each and every violation of or failure to comply with the requirements of this act, a new cause of action shall arise; and in case of suit in any such Territory, district, or circuit, process may be served upon any agent of the defendant found in the Territory, district, or circuit in which such suit may be brought, and such service shall be by the court held to be good and sufficient;

If Union Pacific Railroad Company and branches fail to comply with this act, parties aggrieved may have action for damages.

91 U. S., 343.

3 Dillon, 524.

And it is hereby provided that for all the purposes of said act, and of the acts amendatory thereof, the railway of the Denver Pacific Railway and Telegraph Company shall be deemed and taken to be a part and extension of the road of the Kansas Pacific Railroad, to the point of junction thereof with the road of the Union Pacific Railroad Company at Cheyenne, as provided in the act of March third, eighteen hundred and sixty-nine. [June 20, 1874.]

Denver Pacific Road, part of Kansas Pacific.

1869, ch. 127 (15 Stat. L., 324).

June 20, 1874. **CHAP. 333.**—An act providing for publication of the revised statutes and the laws of the United States.

18 Stat. L., 113.

Contract for publishing laws of United States terminated.

R. S. § § 3803-3808.

1845, Res. No. 10 (5 Stat. L., 798); 1850, Res. No. 17 (9 Stat. L., 564); 1866, Res. No. 17 (14 Stat. L., 352).

Revised Statutes (first edition), how prepared for printing, publication, &c.

1874, Dec. 28, ch. 9, *post*, p. 57.

1877, March 9, ch. 83, and note, *post*, p. 133.

1878, March 2, ch. 26, *post*, p. 153.
15 C. Cls., 86.

—title of.

Revised Statutes to be stereotyped at Government Printing Office for distribution and sale.

Laws of each session of Congress to be edited, printed, &c.

Pamphlet copies of acts and resolves of each session of Congress to be distributed.

R.S., §§ 386, 387, 498.

1883, March 3, ch. 131, *post*, p. 411.

Be it enacted, &c., That the existing contract or contracts between the Secretary of State on the part of the United States, and Charles C. Little, Augustus Flagg, Henry T. Miles, and John Bartlett, of Boston, known as the firm of Little, Brown and Company, dated the twenty-eighth day of May, eighteen hundred and sixty-six, and all other contracts between the United States or any office thereof with said firm of Little, Brown and Company, respecting the printing or publication of the laws of the United States, are hereby declared to be determined, pursuant to the powers therein reserved.

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*], (1) 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.

SEC. 3. That the revision of the statutes of a general and permanent nature, with the index thereto, shall be printed in one volume, and shall be entitled and labeled "*Revised Statutes of the United States*;" and the revision of the statutes relating to the District of Columbia; to post-roads, and the public treaties in force on the first day of December, one thousand eight hundred and seventy-three, with a suitable index to each, shall be published in a separate volume, and entitled and labeled "*Revised Statutes relating to District of Columbia and Post-Roads. Public Treaties.*"

SEC. 4. That the Secretary of State shall cause the two volumes to be stereotyped and such number of each volume to be printed and substantially bound at the Government Printing Office as he may deem needful, for public distribution as hereinafter provided, and for sale by his office.

SEC. 5. That he shall, in like manner, cause to be edited, printed, published and distributed pamphlet copies of the statutes of the present and each future session of Congress, to the officers and persons hereinafter provided, and bound copies of the laws of each Congress to the number of two thousand copies to be distributed in the manner now provided by law, and uniform with the said edition of the Revised Statutes.

SEC. 6. That at the close of every session of Congress the Secretary of State shall cause to be distributed pamphlet copies of the acts and resolves of Congress for that session, edited and printed in the manner aforesaid, as follows:

To the President and Vice President of the United States, two copies each;

To each Senator, Representative, and Delegate in Congress, one copy;

To the Librarian of the Senate, for the use of Senators, one hundred and twenty-six copies;

To the Librarian of the House, two hundred and fifty copies, for the use of the Representatives and Delegates;

To the Library of Congress, fourteen copies;

To the Department of State, including those for the use of legations and consulates, six hundred copies;

To the Treasury Department, two hundred copies;

To the War Department, including those for the use of officers of the Army, two hundred copies; 1883, March 3,
ch. 131, *post*, p.
411.

To the Navy Department, including those for the use of officers of the Navy, one hundred copies;

To the Department of the Interior, including those for the use of the surveyors-general and registers and receivers of public land offices, two hundred and fifty copies;

To the Post-Office Department, fifty copies;

To the Department of Justice, including those for the use of the chief and associate justices, the judges and the officers of the United States and territorial courts, four hundred and twenty-five copies; R. S., § 386.
1882, Aug. 7, ch.
433, par. 17, *post*,
p. 382.

To the Department of Agriculture, ten copies;

To the Smithsonian Institution, five copies;

To the Government Printing Office, two copies;

To the governors and secretaries of Territories, one copy each;

To be retained in the custody of the Secretary of State, one thousand copies;

And ten thousand copies shall be distributed to the States and Territories in proportion to the number of Senators, Representatives, and Delegates in Congress to which they are at the time entitled.

SEC. 7. That after the close of each Congress the Secretary of State shall have edited, printed and bound a sufficient number of the volumes containing the Statutes at Large enacted by that Congress to enable him to distribute copies, or as many thereof as may be needed, as follows: Bound copies of
Statutes at Large
to be distributed at
close of each Con-
gress.

To the President of the United States, four copies, one of which shall be for the library of the Executive Mansion, and one copy shall be for the use of the Commissioner of Public Buildings; 1875, March 3,
ch. 130, § 9, *post*,
p. 77.

To the Vice President of the United States, one copy;

To each Senator, Representative, and Delegate in Congress, one copy;

To the librarian of the Senate, for the use of Senators, one hundred and fourteen copies;

To the librarian of the House, for the use of Representatives and Delegates, four hundred and ten copies;

To the Library of Congress, fourteen copies, including four copies for the law library;

To the Department of State, including those for the use of legations and consulates, three hundred and eighty copies;

To the Treasury Department, including those for the use of officers of customs, two hundred and sixty copies; 1883, March 3,
ch. 131, *post*, p.
411.

To the War Department, including a copy for the Military Academy at West Point, fifty copies;

To the Navy Department, including a copy for the library at the Naval Academy at Annapolis, a copy for the library of each navy-yard in the United States, a copy for the library of the Brooklyn Naval Lyceum, and a copy for the library of the Naval Institute at Charlestown, Massachusetts, sixty-five copies.

To the Department of the Interior, including those for the use of the surveyors-general and registers and receivers of public land-offices, two hundred and fifty copies;

To the Post-Office Department, fifty copies;

To the Department of Justice, including those for the use of the chief and associate justices, the judges and the officers of the United States and territorial courts, four hundred and twenty-five copies; R. S., § 386.
1882, Aug. 7, ch.
433, par. 17, *post*,
p. 382.

To the Department of Agriculture, five copies;

To the Smithsonian Institution, two copies;

To the Government Printing Office, one copy;

And the Secretary of State, shall supply deficiencies and offices newly created.

Printed copies of statutes to be evidence.

SEC. 8. That the said printed copies of the said acts of each session and of the said bound copies of the acts of each Congress shall be legal evidence of the laws and treaties therein contained, in all the courts of the United States and of the several States therein.

Revised Statutes and laws on what terms to be sold.

1875, Feb. 18, ch. 84, *post*, p. 63.

1875, March 3, ch. 130, § 9, *post*, p. 77.

SEC. 9. That the said laws of each session of Congress shall also be stereotyped and printed for sale, as provided in respect to the said revised statutes. And the copies of the said revised statutes and of the said laws of each session of Congress, as issued from time to time, shall be respectively sold at the cost of the paper, press work and binding, with ten per cent. thereof added thereto, to any person applying for the same. And the proceeds of all sales shall be paid into the Treasury.

SEC. 10. [*Executed.*] [June 20, 1874.]

June 20, 1874.

CHAP. 337.—An act for the government of the District of Columbia, and for other purposes.

18 Stat. L., 116.

District of Columbia, government, of abolished.

R. S. of D. C., §§ 2-71, 74-84.

17 C. Cls., 351.

Be it enacted, &c., That all provisions of law providing for an executive, for a secretary for the District, for a legislative assembly, for a board of public works, and for a delegate in Congress in the District of Columbia are hereby repealed: *Provided*, That this repeal shall not affect the term of office of the present Delegate in Congress.

(1)

—Commissioners to be appointed; powers of, &c.

1875, June 11, ch. 180, *post*, p. 178.

SEC. 2. That the President of the United States, by and with the advice and consent of the Senate, is hereby authorized to appoint a commission, consisting of three persons, who shall, until otherwise provided by law, exercise all the power and authority now lawfully vested in the governor or board of public works of said District, except as hereinafter limited; and shall be subject to all the restrictions and limitations now imposed by law on said governor or board;

—how to apply revenues.

1875, March 1, ch. 117, *post*, p. 69.

1878, June 11, ch. 180, § 3, *post*, p. 174.

And shall have power to apply the taxes or other revenues of said District to the payment of the current expenses thereof, to the support of the public schools, the fire department, and the police, and to the payment of the debts of said District secured by a pledge of the securities of said District or board of public works as collateral, and also to the payment of debts due to laborers and employees of the District and board of public works;

—to have possession, &c., of offices, records of District government.

And for that purpose shall take possession and supervision of all the offices, books, papers, records, moneys, credits, securities, assets, and accounts belonging or appertaining to the business or interests of the government of the District of Columbia and the board of public works, and exercise the power and authority aforesaid;

—not to make certain contracts.

But said commission, in the exercise of such power or authority, shall make no contract, nor incur any obligation other than such contracts and obligations as may be necessary to the faithful administration of the valid laws enacted for the government of said District, to the execution of existing legal obligations and contracts, and to the protection or preservation of improvements existing, or commenced and not completed, at the time of the passage of this act.

Taxes to be collected but not hypothecated.

1878, June 11, ch. 180, § 3, *post*, p. 175.

All taxes heretofore lawfully assessed and due or to become due shall be collected pursuant to law, except as herein otherwise provided; but said commissioners shall have no power to anticipate taxes by a sale or hypothecation of any such taxes, or evidence thereof: *Provided*, That nothing in this clause contained shall affect any provis-

NOTE.—(1) The acts of Congress relating to the District of Columbia were revised and included in the first part of the second volume of the Revised Statutes, with post-roads and treaties, but that does not contain the laws of the legislative assembly of the District, which was created by the act of 1871, ch. 63 (16 Stat. L., 419), and abolished by this act.

ions of law authorizing or requiring a deposit of certificates of assessment with the sinking-fund commissioners of said District;

And said commissioners are hereby authorized to abolish any office, to consolidate two or more offices, reduce the number of employees, remove from office, and make appointments to any office authorized by law; and the compensation of all officers and employees, except teachers in the public schools, and officers and employees in the fire department, shall be reduced twenty per centum per annum.

Said commissioners shall each, before entering upon the discharge of his duties, take an oath to support the Constitution of the United States and to faithfully discharge the duties imposed upon him by law; and shall each give bond in the penal sum of fifty thousand dollars, to be approved by the Secretary of the Treasury, for the faithful discharge of the duties of his office; and shall each receive for his services a compensation at the rate of five thousand dollars per annum:

Provided, That nothing in this act shall be construed to abate or in any wise interfere with any suit pending in favor of or against the District of Columbia;

And provided further, That in suits hereafter commenced against the District of Columbia, process may be served on any one of said commissioners, until otherwise provided by law.

SEC. 3. That the President of the United States shall detail an officer of the Engineer Corps of the Army of the United States, who shall, subject to the general supervision and direction of the said board of commissioners, have the control and charge of the work of repair and improvement of all streets, avenues, alleys, sewers, roads, and bridges of the District of Columbia; and he is hereby vested with all the power and authority of, and shall perform the duties heretofore devolved upon, the chief engineer of the board of public works.

He shall take possession of, and preserve and keep, all the instruments pertaining to said office, and all the maps, charts, surveys, books, records, and papers relating to said District, or to any of the avenues, streets, alleys, public spaces, squares, lots and buildings thereon, sewers, or any of them, as are now in or belonging to the office of said engineer of the board of public works, and shall, in books provided for that purpose, keep and preserve the records now required to be kept, and such as may be required by regulations of said board.

He may, with the advice and consent of said board of commissioners, appoint not more than two assistant engineers from civil life, who shall each receive a salary of one thousand eight hundred dollars per annum, and shall be subject to his direction and control.

He shall receive no additional compensation for such services.

And he shall not be deemed by reason of anything in this act contained to hold a civil office under the laws of the United States.

And no salary or compensation shall be paid to the surveyor of the District, or any of his subordinates, except such fees for special services as are allowed by law.

And the offices of assistant surveyor and additional assistant surveyor of the District of Columbia are hereby abolished.

SEC. 4. [*Levied a tax for the year ending June 30, 1875. Superse- ded by 1877, March 3, ch. 117, post, p. 142, and 1883, March 3, ch. 137, post, p. 413.*]

SEC. 5. [*Provided for preparing a form of government.*]

SEC. 6. [*Provided for a board of audit temporarily.*]

SEC. 7. That the sinking-fund commissioners of said District are hereby continued; and it shall be the duty of said sinking-fund commissioners to cause bonds of the District of Columbia to be prepared,

1879, June 21, ch. 33, *post*, p. 266.

Commissioners may abolish offices, make appointments, &c.

1878, June 11, ch. 180, § 3, *post*, p. 175.

—to take oath and give bond.

—salary of.

Pending suits.

Service of process against District.

Engineer of Army to be detailed to have care of work on streets, &c.

1878, June 11, ch. 180, § 2, *post*, p. 174.

—to keep certain books, records, &c.

—may appoint assistant engineers.

—not to receive additional salary.

—not deemed to hold civil office.

Compensation of surveyor, &c.

Assistant surveyor's office abolished.

Bonds with interest at 3.65 per annum to be issued by sinking-

fund commissioners; 1872, May 8, ch. 142 (17 Stat. L., 86), R. S. of D. C. §§ 130-137.

16 Opins., 174.

16 C. Cls., 106.

—exempt from taxation.

—faith of United States pledged.

1875, Feb. 20, ch. 94, *post*, p. 64.

1878, June 11, ch. 180, § 4, *post*, p. 176.

1879, March 3, ch. 182, § 3, par. 4, *post*, p. 253.

1891, March 3, ch. 563, *post*, p. 947.

—to be numbered and registered.

1875, March 3, ch. 162, § 18, *post*, p. 95.

16 C. Cls., 106.

—prevention of fraudulent issue of.

—may be exchanged by commissioners for other indebtedness.

Sewer certificates not to be further issued.

—property not to be sold for payment of.

16 C. Cls., 106.

Commissions of which governor was a member continued.

Act of District legislature authorizing issue of certain bonds approved, &c.

in sums of fifty and five hundred dollars, bearing date August first, eighteen hundred and seventy-four, payable fifty years after date, bearing interest at the rate of three and sixty-five hundredths per centum per annum, payable semi-annually, to be signed by the secretary and the treasurer of said sinking-fund commissioners and countersigned by the comptroller of said District, and sealed as the board may direct;

Which bonds shall be exempt from taxation by Federal, State, or municipal authority, engraved and printed at the expense of the District of Columbia, and in form not inconsistent herewith.

And the faith of the United States is hereby pledged that the United States will, by proper proportional appropriations as contemplated in this act, and by causing to be levied upon the property within said District such taxes as will provide the revenues necessary to pay the interest on said bonds as the same may become due and payable, and create a sinking-fund for the payment of the principal thereof at maturity.

March 3, ch. 563, *post*, p. 947. 14 Opins., 445, 544; 15 Opins., 56.

Said bonds shall be numbered consecutively, and registered in the office of the comptroller of said District, and shall also be registered in the office of the Register of the Treasury of the United States, for which last-named registration the Secretary of the Treasury shall make such provision as may be necessary.

And said commissioners shall use all necessary means for the prevention of any unauthorized or fraudulent issue of any of such bonds.

And the said sinking-fund commissioners are hereby authorized to exchange said bonds at par for like sums of any class of indebtedness in the preceding section of this act named, including sewer taxes or assessments paid, evidenced by certificates of the auditing board provided for in this act.

SEC. 8. That the authority conferred on the board of public works to issue additional certificates of indebtedness by section four of the act of the legislative assembly approved on the twenty-ninth day of May, eighteen hundred and seventy-three, is hereby annulled.

No property shall be advertised for sale or sold for the collection of any assessment authorized by the legislative assembly by the act entitled "An act creating drainage and sewerage sections in the cities of Washington and Georgetown, in the District of Columbia, and providing for the payment of the construction of sewers and drains therein by assessments and issuing certificates therefor" approved on the twenty-sixth day of June, eighteen hundred and seventy-three, until otherwise ordered by Congress; and it shall be unlawful to issue any further certificates of indebtedness authorized by said act.

SEC. 9. That no board or commission of which the governor is ex officio a member (the board of public works excepted) shall be abolished by this act, but the members of the same, other than the governor, shall constitute such board or commission.

SEC. 10. That the act of the legislative assembly of the District of Columbia entitled (2) "An act to fund unsettled liabilities of the city of Washington, and providing for the issuing of the bonds, and levying and collecting taxes to pay the same" approved June twentieth, eighteen hundred and seventy-two, is hereby ratified and approved; but none of the bonds authorized by said act remaining unsold shall be negotiated or sold at less than par. [June 20, 1874.]

NOTE.—(2) Under the act of the legislative assembly of June 20, 1872, here ratified and approved, there were issued what are called the "funding-loan bonds" of the District, to the amount of one million six hundred thousand dollars, in denominations of \$50, \$100, \$500, and \$1,000, bearing date November 1, 1872, and payable to bearer in thirty years from date (November 1, 1902), with six per cent. annual interest, in coin, payable semi-annually, on the first day of May and November. Coupons attached.

CHAP. 339.—An act to encourage the establishment of public marine schools.

June 20, 1874.

Be it enacted, &c., That the Secretary of the Navy, to promote nautical education, is hereby authorized and empowered to furnish, upon the application in writing of the Governor of the State, a suitable vessel of the Navy, with all her apparel, charts, books, and instruments of navigation, provided the same can be spared without detriment to the naval service, to be used for the benefit of any nautical school, or school or college having a nautical branch, established at each or any of the ports of New York, Boston, Philadelphia, Baltimore, Norfolk, and San Francisco, upon the condition that there shall be maintained, at such port, a school or branch of a school for the instruction of youths in navigation, steamship, marine enginery and all matters pertaining to the proper construction, equipment and sailing of vessels or any particular branch thereof.

And the President of the United States is hereby authorized, when in his opinion the same can be done without detriment to the public service, to detail proper officers of the Navy as superintendents of, or instructors in, such schools:

Provided, That if any such school shall be discontinued, or the good of the naval service shall require, such vessel shall be immediately restored to the Secretary of the Navy, and the officers so detailed recalled:

And provided further, That no person shall be sentenced to or received at, such schools as a punishment or commutation of punishment for crime. [June 20, 1874.]

18 Stat. L., 121.
Vessels for nautical school at certain ports to be furnished to States.

R. S., § 417.
1881, March 3, ch. 141, *post*, p. 325.

Officers of Navy may be detailed as instructors, &c., for nautical schools.

Vessels to be restored on discontinuance of school, &c.

Schools not to be used as places of punishment.

CHAP. 340.—An act to create two additional land districts in the state of Kansas.

June 20, 1874.

Be it enacted, &c., That all the western portion of the State of Kansas, included as follows, to wit, commencing at the northeast corner of township ten of range sixteen, and running thence west to the western boundary of the State; thence south along said boundary line, to the fourth standard parallel; thence east along said parallel line, to the southeast corner of Rush County; thence north to the place of beginning, be, and hereby is, constituted a new land district, to be called the western land district.

SEC. 2. That all the western portion of the State of Kansas, included as follows, to wit, commencing at the northeast corner of Barton County, and running thence west to the northwest corner of said county; thence south to the southwest corner of said county; thence west along the fourth standard parallel line to the western boundary of the State; thence south along said boundary-line to the southern boundary of the State; thence east along said boundary-line to the southeast corner of Barbour County; thence north to the place of beginning, be, and hereby is, constituted a new land-district, to be called the Arkansas Valley land-district; and shall, in addition, include in the district the lands lying in Rice and Reno counties.

SEC. 3. That the President, by and with the advice and consent of the Senate, is hereby authorized to appoint a register and a receiver for each of said districts who shall discharge like and similar duties and receive the same amount of compensation allowed to other officers discharging like duties in the other land offices of said State. [June 20, 1874.]

18 Stat. L., 121.
Western land district of Kansas established.

R. S., § 2256.
1880, May 24, ch. 100, *post*, p. 283.

1881, March 3, ch. 146, *post*, p. 326.

Arkansas Valley land district in Kansas established.

Registers and receivers for said districts.

R. S., §§ 2234-2247.

June 20, 1874.

CHAP. 341.—An act to create an additional land district in the Territory of Colorado

18 Stat. L., 122.
Del Norte land district in Colorado established.
R. S., § 2256.

1886, Aug. 4, ch. 895, *post*, p. 510.
1890, Feb. 6, ch. 7., *post*, p. 704.

—office of, to be at Del Norte, but may be changed by President.

—register and receiver for.
R. S., § 2234.

Unfinished business in other districts relating to lands in, to be transferred to, &c.

Be it enacted, &c., That all that part of the Territory of Colorado commencing at a point on the south boundary line of Colorado Territory between ranges sixty-nine and seventy west of the sixth principal meridian; thence running north to the northern boundary of township twenty-eight south; thence west, on a line between townships twenty-seven and twenty-eight south, to the western boundary of range seventy-three west; thence north, on said boundary of range seventy-three west, to a point where the line between townships forty-eight and forty-nine north, New Mexico meridian, will intersect the same; thence west, between said townships forty-eight and forty-nine north, to the western boundary of the Territory; thence south, with said boundary line, to the southwest corner of the Territory; thence east, on the line of the southern boundary of the Territory, to the place of beginning, shall constitute a separate land district, to be called Del Norte land district, the office of which shall be located at Del Norte, in Conejos County:

Provided, That the President of the United States may change the location of said land office from time to time, as the public interest may require.

SEC. 2. That the President shall appoint, by and with the advice and consent of the Senate, a register and a receiver of public moneys for said district; and said officers shall reside in the place where said land office is located, and shall have the same powers and shall receive the same fees and emoluments as the like officers now receive in the other land districts in said Territory.

SEC. 3. That all persons in said district who, prior to the opening of said Del Norte land office, shall have filed their declaratory statement or application for pre-emption or homestead rights in any other land office in said Territory, shall thereafter make proofs and entries at said Del Norte land office; and all unfinished business in any other land office relating exclusively to lands in said Del Norte land district shall be transferred to said Del Norte land office when notified by the officers of the opening thereof. [June 20, 1874.]

June 20, 1874.

CHAP. 342.—An act to create the Bozeman land district in the Territory of Montana.

18 Stat. L., 123.
Bozeman land district in Montana established.
R. S., § 2256.

1880, April 30, ch. 71, *post*, p. 281.
1890, April 1, ch. 60, *post*, p. 710.
—office of

Be it enacted, &c., That all that portion of the Territory of Montana, lying east of the range line between ranges two and three west of the principal meridian and south of the first standard parallel north of the base line, of the public land surveys of said Territory, shall be constituted a separate land district, to be known as the Bozeman land district,

The office of which shall be located at Bozeman, but may be changed from time to time, by the direction of the President of the United States, as the interests of the public service may require.

SEC. 2. That the President shall appoint, by and with the consent of the Senate, a register and a receiver of the public moneys of the United States for said district; and said officers shall reside in the place where the land office is located, and they shall have the same powers and receive the same emoluments as are or may be prescribed by law in relation to land officers of the United States in other Territories. [June 20, 1874.]

—register and receiver for.
R. S., § 2234.

CHAP. 343.—An act fixing the amount of United States notes, providing for a redistribution of the national-bank currency, and for other purposes.

June 20, 1874.

18 Stat. L., 123.

Be it enacted, &c., That the act entitled (1) "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June third, eighteen hundred and sixty-four, shall hereafter be known as "the national-bank act."

National-bank act.

R. S., §§ 5133-5243.

SEC. 2. That section thirty one of the "the national-bank act" be so amended that the several associations therein provided for shall not hereafter be required to keep on hand any amount of money whatever, by reason of the amount of their respective circulations; but the moneys required by said section to be kept at all times on hand shall be determined by the amount of deposits in all respects, as provided for in the said section.

Banks need not keep reserve on account of circulation.

R. S., §§ 5191, 5192.

SEC. 3. That every association organized, or to be organized, under the provisions of the said act, and of the several acts amendatory thereof, shall at all times keep and have on deposit in the Treasury of the United States, in lawful money of the United States, a sum equal to five per centum of its circulation, to be held and used for the redemption of such circulation; which sum shall be counted as a part of its lawful reserve, as provided in section two of this act;

Banks to deposit in Treasury five per cent. on circulation, and counted as reserve.

R. S., §§ 5191, 5192.

1890, July 14, ch. 703, §6, *post*, p. 775.

And when the circulating notes of any such associations, assorted or unassorted, shall be presented for redemption, in sums of one thousand dollars, or any multiple thereof, to the Treasurer of the United States, the same shall be redeemed in United States notes. All notes so redeemed shall be charged by the Treasurer of the United States to the respective associations issuing the same, and he shall notify them severally, on the first day of each month, or oftener, at his discretion, of the amount of such redemptions; and whenever such redemptions for any association shall amount to the sum of five hundred dollars, such association so notified shall forthwith deposit with the Treasurer of the United States a sum in United States notes equal to the amount of its circulating-notes so redeemed.

—notes of, to be redeemed on presentation at Treasury; how disposed of, &c.

1875, March 3, ch. 130, § 3, *post*, p. 76.

1882, July 12, ch. 290, § 6, *post*, p. 355.

And all notes of national banks worn, defaced, mutilated, or otherwise unfit for circulation shall, when received by any assistant treasurer or at any designated depository of the United States, be forwarded to the Treasurer of the United States for redemption as provided herein. And when such redemptions have been so reimbursed, the circulating-notes so redeemed shall be forwarded to the respective associations by which they were issued; but if any of such notes are worn, mutilated, defaced, or rendered otherwise unfit for use, they shall be forwarded to the Comptroller of the Currency and destroyed and replaced as now provided by law:

—mutilated notes of, to be redeemed and destroyed, and others forwarded to the banks.

Provided, That each of said associations shall reimburse to the Treasury the charges for transportation, and the costs for assorting such notes; and the associations hereafter organized shall also severally reimburse to the Treasury the cost of engraving such plates as shall be ordered by each association respectively; and the amount assessed upon each association shall be in proportion to the circulation redeemed, and be charged to the fund on deposit with the Treasurer:

—to reimburse Treasury for cost of transporting, assorting, engraving, &c.

1875, March 3, ch. 130, § 3, *post*, p. 76.

1882, July 12, ch. 290, §8, *post*, p. 355.

And provided further, That so much of section thirty-two of said national-bank act requiring or permitting the redemption of its circulating notes elsewhere than at its own counter, except as provided for in this section, is hereby repealed.

—to redeem notes only at their own counters.

R. S., §§ 5192, 5195, 5226.

SEC. 4. That any association organized under this act, or any of the acts of which this is an amendment, desiring to withdraw its circulating notes, in whole or in part, may, upon the deposit of lawful money with the Treasurer of the United States in sums of not less

—how may withdraw circulation and bonds deposited.

R. S., §§ 5159, 5162, 5222.
16 Opins., 663.
1882, July 12,
ch. 290, §§ 9, 10,
post, p. 356.
1890, July 14,
ch. 708, § 6, post,
p. 775.

—charter number
to be on notes.

R. S., § 5172.
1875, March 3,
ch. 130, par. 3, post,
p. 72.

Limit of United
States notes 382
million.

R. S., § 3582.
1878, May 31,
ch. 146, post, p.
166.

than nine thousand dollars, take up the bonds which said association has on deposit with the Treasurer for the security of such circulating notes; which bonds shall be assigned to the bank in the manner specified in the nineteenth section of the national-bank act; and the outstanding notes of said association, to an amount equal to the legal-tender notes deposited, shall be redeemed at the Treasury of the United States, and destroyed as now provided by law:

Provided, That the amount of the bonds on deposit for circulation shall not be reduced below fifty thousand dollars.

SEC. 5. That the Comptroller of the Currency shall, under such rules and regulations as the Secretary of the Treasury may prescribe, cause the charter-numbers of the association to be printed upon all national-bank notes which may be hereafter issued by him.

SEC. 6. That the amount of United States notes outstanding and to be used as a part of the circulating-medium, shall not exceed the sum of three hundred and eighty-two million dollars, which said sum shall appear in each monthly statement of the public debt, and no part thereof shall be held or used as a reserve.

SECS. 7, 8, 9. [*Superseded by 1875, Jan. 14, ch. 15, § 3, post, p. 58.*]
[*June 20, 1874.*]

June 20, 1874.

17 Stat. L., 125.

CHAP. 344.—An act to provide for the establishment of life-saving stations and houses of refuge upon the sea and lake coasts of the United States, and to promote the efficiency of the life-saving service (1).

Life-saving and
life-boat stations
to be established.

1881, March 2,
ch. 111, post, p. 320;
1882, May 7, ch.
117, post, p. 339, 1883,

Delaware;
1878, June 18, ch.
265, § 1, post, p. 190.

Maryland;
1878, June 18, ch.
265, § 1, post, p. 190.

Virginia;
1878, June 18,
ch. 265, § 1, post,
p. 190.

Florida;

Washington;

Oregon;

California;

Lake Ontario;

Be it enacted, &c., That the Secretary of the Treasury is hereby authorized to establish life-saving stations, life-boat stations, and houses of refuge, for the better preservation of life and property from shipwreck, at or in the vicinity of the following-named points upon the sea and lake coasts of the United States, namely:

ON THE COAST OF DELAWARE.

Cape Henlopen, a complete life-saving station; Indian River, a complete life-saving station.

ON THE COAST OF MARYLAND.

Green Run Inlet, a complete life-saving station.

ON THE COAST OF VIRGINIA.

Chincoteague, a complete life-saving station; Watchapreague Inlet, a complete life-saving station; Hog Island, a complete life-saving station; Sandy Shoal Island, a complete life-saving station; Smith's Island, a complete life-saving station.

ON THE COAST OF FLORIDA.

About eighteen miles north of Indian River Inlet, a house of refuge; Gilbert's Bar, a house of refuge; near Orange Grove, a house of refuge; between Hillsborough and New River Inlet, a house of refuge; about ten miles south of New River Inlet, a house of refuge.

ON THE COAST OF WASHINGTON TERRITORY.

Neah Bay, a life-boat station; Shoalwater Bay, a life-boat station; Cape Disappointment, a life boat station.

ON THE COAST OF OREGON.

Cape Arago, a life-boat station.

ON THE COAST OF CALIFORNIA.

Humboldt Bay, a life-boat station. [*Remainder repealed 1878, June 18, ch. 265, § 1, post, p. 191.*]

ON THE COAST OF LAKE ONTARIO.

Mexico Bay, about seven miles westward of Stony Point, a complete life-saving station; Mexico Bay, about seven miles eastward of Nine Mile Point, a complete life-saving station; Oswego, a life-boat station; Charlotte, a life-boat station.

NOTE.—(1) See note (1) to 1878, June 18, ch. 265, post, p. 190.

ON THE COAST ON LAKE ERIE.

Buffalo, a life-boat station; Presque Isle, a complete life-saving station; Fairport, a life-boat station; Cleveland, a life-boat station; Marblehead, (Sandusky,) a life-boat station.

Lake Erie;

ON THE COAST OF LAKE HURON.

Point aux Barques, a complete life-saving station; Tawas, a complete life-saving station; Sturgeon Point, a complete life-saving station; North Point, Thunder Bay, a life-boat station; Forty-Mile Point, a complete life-saving station.

Lake Huron;
1878, June 18,
ch. 265, § 1, *post*,
p. 191.

ON THE COAST OF LAKE MICHIGAN.

Beaver Island, a life-boat station; North Manitou Island, a life-boat station; Point aux Bec Scies, a complete life-saving station; Grande Pointe au Sauble, a complete life-saving station. Grand Haven, a life-boat station; Saint Joseph's, a life-boat station; Chicago, a life-boat station; Grosse Point, a complete life-saving station; Racine, a life-boat station; Milwaukee, a life-boat station; Sheboygan, a life-boat station; Twin Rivers Point, a life-boat station.

Lake Michigan;
1878, June 18,
ch. 265, § 1, *post*,
p. 191.

ON THE COAST OF LAKE SUPERIOR.

Between White Fish Point and Point au Sauble, four complete life saving stations.

Lake Superior.
1878, June 18,
ch. 265, § 1, *post*,
p. 190.

SEC. 2. That the Secretary of the Treasury is hereby authorized, whenever, in his opinion, it may become necessary for the proper administration of the Life-Saving Service, and the protection of the public property at the stations and houses of refuge herein authorized to be established, to appoint one superintendent for the coasts of Delaware and Virginia, one for the coast of Florida, one for the coasts of Lakes Erie and Ontario, one for the coasts of Lakes Huron and Superior, and one for the coast of Lake Michigan, and also a keeper for each of said stations and houses of refuge;

Superintendents
on the coasts and
keepers of sta-
tions, &c.
R. S., § 4243.

And the said superintendents shall have the powers, and perform the duties of inspectors of customs.

SEC. 3. [*Superseded, 1882, May 4, ch. 117, §§ 4, 5, post, 340, 341.*]

SEC. 4. That the Secretary of the Treasury is hereby authorized to appoint an assistant to the superintendent of the coast of Long Island and Rhode Island, who shall perform the duties required of the superintendent at the life-saving stations within the State of Rhode Island, and reside on Block Island, and for his services he shall receive an annual salary of five hundred dollars.

Assistant super-
intendent for coast
of Long Island
and Rhode Island.

SEC. 5. That the Secretary of the Treasury is hereby authorized to employ crews of experienced surfmen at such of the stations herein denominated complete stations and at such of the life-boat stations on the Pacific coast as he may deem necessary and proper, for such periods, and at such compensation, not to exceed forty dollars per month, as he may deem necessary and reasonable.

Crews and surf-
men.

SEC. 6. That the Secretary of the Treasury may accept the services of volunteer crews at any of the life-boat stations herein authorized, who shall be subject to the rules and regulations governing the Life-Saving Service; and a list of the names of each crew shall be kept in the office of the Secretary of the Treasury.

Volunteer crews
may be accepted,
paid, and given
medals in certain
cases.

Such volunteers shall receive no compensation except a sum of not more than ten dollars each for every occasion upon which they shall have been instrumental in saving human life, and such of the medals herein authorized as they may be entitled to under the provisions hereinafter made:

1878, June 18,
ch. 265, § 10, *post*,
p. 192.

Provided, That no payment shall be made to any person who shall not have actually participated in the efforts to save the life or lives rescued.

SEC. 7. That the Secretary of the Treasury is hereby directed to cause to be prepared medals of honor, with suitable devices, to be distinguished as life-saving medals of the first and second class, which shall be bestowed upon any persons who shall hereafter endanger

Medals of honor
may be given to
persons who en-
danger their own

lives to save others at sea.

1878, June 18, ch. 265, § 12, *post*, p. 193.

1882, May 1, ch. 117, § 9, *post*, p. 341.

Regulations for life-saving service.

Disposal of condemned articles. R. S., §§ 3618, 3672, 3692.

1878, June 18, ch. 265, § 3, *post*, p. 191.

Owners, agents, or masters of vessels to report accidents to collectors of customs.

1878, June 18, ch. 265, § 7, *post*, p. 192.

—penalty on, for neglect.

—to report to collector probable loss of vessels, &c.

—penalty on, for neglect.

Collectors to transmit to Secretary of Treasury reports received, and to report neglects, refusals, &c.

Penalties, how may be remitted, mitigated, &c.

their own lives in saving, or endeavoring to save lives from perils of the sea, within the United States, or upon any American vessel :

Provided, That the medal of the first class shall be confined to cases of extreme and heroic daring ; and that the medal of the second class shall be given in cases not sufficiently distinguished to deserve the medal of the first class :

Provided, also, That no award of either medal shall be made to any person until sufficient evidence of his deserving shall have been filed with the Secretary of the Treasury and entered upon the records of the Department.

SEC. 8. That the Secretary of the Treasury is hereby authorized to make all necessary regulations for the government of the Life-Saving Service not inconsistent with law.

SEC. 9. That the Secretary of the Treasury is hereby authorized to dispose of, to the best advantage, after due condemnation by board of survey, such articles or materials belonging to the Life-Saving Service as may, from long continued use or other cause, become unseviceable and the proceeds of such sale shall be covered into the Treasury.

SEC. 10. That from and after the first day of July, eighteen hundred and seventy-four, whenever any vessel of the United States has sustained or caused any accident involving the loss of life, the material loss of property, or any serious injury to any person, or has received any material damage affecting her seaworthiness or her efficiency, the managing owner, agent, or master of such vessel, shall within five days after the happening of such accident or damage, or as soon thereafter as possible, send, by letter to the collector of customs of the district wherein such vessel belongs or of that within which such accident or damage occurred, a report thereof, signed by such owner, agent, or master, stating the name and official number (if any) of the vessel, the port to which she belongs, the place where she was, the nature and probable occasion of the casualty, the number and names of those lost, and the estimated amount of loss or damage to the vessel or cargo; and shall furnish, upon the request of either of such collectors of customs, such other information concerning the vessel, her cargo, and the casualty as may be called for;

And if he neglect or refuse to comply with the foregoing requirements after a reasonable time, he shall incur a penalty of one hundred dollars.

SEC. 11. That whenever the managing owner or agent of any vessel of the United States has reason, owing to the non-appearance of such vessel, or to any other circumstance, to apprehend that such vessel has been lost, he shall, as soon as conveniently may be, send notice, in writing, to the collector of customs of the port to which said vessel belonged, of such loss, and the probable occasion thereof stating the name and the official number (if any) of the vessel, and the names of all persons on board, so far as the same can be ascertained, and shall furnish, upon request of the collector of such port, such additional information as he may be able;

And if he neglect to comply with the above requirements within a reasonable time, he shall incur a penalty of one hundred dollars.

SEC. 12. That it shall be the duty of the collectors of customs to immediately transmit to the Secretary of the Treasury such reports and information as they may receive under the provisions of the two preceding sections, and they shall also report to the Secretary of the Treasury any neglect or refusal on the part of the managing owner, agent, or master of any vessel of the United States to comply with the requirements thereof.

SEC. 13. That the Secretary of the Treasury may, upon application therefor, remit or mitigate any penalty provided for in this act, or discontinue any prosecution to recover the same, upon such terms

as he, in his discretion, shall think proper, and shall have authority to ascertain the facts upon all such applications in such manner and under such regulations as he may think proper;

All penalties hereinbefore provided shall be prosecuted by indictment or information before the proper district court for the use of the United States. [June 20, 1874.]

Penalties, how prosecuted for. R. S., § 563, par. 8.

CHAP. 388.—An act making appropriations to supply deficiencies in the appropriations for the service of the Government for the fiscal years ending June thirtieth, eighteen hundred and seventy-three and eighteen hundred and seventy-four, and for other purposes.

June 22, 1874. 18 Stat. L., 133.

Be it enacted, &c., * * . [Par. 1.] Hereafter no extraordinary session of the legislature of any Territory, wherever the same is now authorized by law, shall be called until the reasons for the same have been presented to the President of the United States, and his approval thereof has been duly given. * * .

Extra sessions of Territorial legislatures, how called. R. S., §§ 1846, 1923.

1880, Dec. 28, ch. 7, post, p. 313.

[Par. 2.] Hereafter the pay of the official reporters of the proceedings and debates of each House shall be fifty thousand dollars for each Congress; and the pay of official reporters of committees of the House shall be five thousand dollars each per annum, and this shall be in lieu of all other compensation for such services in reporting the proceedings of each and all of said committees. * * . [June 22, 1874.]

Pay for reporting proceedings of Congress and of committees of the House. R. S., § 54.

CHAP. 389.—An act making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June thirtieth, eighteen hundred and seventy-five, and for other purposes.

June 22, 1874. 18 Stat. L., 173.

Be it enacted, &c., * * . SEC. 10. (1) That no agent or employee of the United States Government, or of any of the Departments thereof, while in the service of the Government, shall have any interest, directly or indirectly, contingent or absolute, near or remote, in any contract made, or under negotiation, with the Government, or with the Indians, for the purchase or transportation or delivery of goods or supplies for the Indians, or for the removal of the Indians; nor shall any such agent or employee collude with any person who may attempt to obtain any such contract for the purpose of enabling such person to obtain the same.

Employés, &c., of United States not to be interested in Indian contracts, etc. R. S., § 1781.

The violation of any of the provisions of this section shall be a misdemeanor, and shall be punished by a fine of not less than five hundred dollars nor more than five thousand dollars, and by removal from office; and, in addition thereto, the court shall, in its discretion, have the power to punish by imprisonment of not more than six months. * * * [June 22, 1874.]

Penalty for violation.

NOTE.—(1) Other provisions against fraud or collusion in the Indian service are contained in the following: R. S., § 2078, providing that no person employed in Indian affairs shall have any interest in trade with Indians on private account, under penalty of \$5,000 fine, and removal from office; R. S., §§ 2103, 2105, providing how agreements with Indians are to be made, and prescribing penalties against all persons unlawfully receiving money from Indians, as well as against district attorneys failing to prosecute offenses against the act, and against agents advising, sanctioning, &c., unlawful agreements or payments; R. S., § 2138, prohibiting, under penalties, the removal of cattle, horses, or other stock from the Indian country except under military orders; 1875, Mar. 3, ch. 132, § 10, post, p. 81, prescribing manner of justification of sureties on Indian agents' bonds, and providing penalties for agents making false entries in official books or transcripts; 1884, July 4, ch. 180, par. 3, post, p. 450, prohibiting under penalty, the purchase of cattle from Indians, except under license; 1884, July 4, ch. 180, § 8, post, p. 450, providing that disbursing officers or others presenting vouchers, &c., containing any material misrepresentation relating to any matter pertaining to the Indian service shall not be entitled to payment or credit for any part of said voucher, &c., this to be in addition to penalties already prescribed by law, as to which see R. S., § 5438.

June 22, 1874.

CHAP. 391.—An act to amend the customs-revenue laws and to repeal moieties.

18 Stat. L., 186.
Seizure of books,
&c., in case of sus-
pected smuggling
not authorized.
R. S., §§ 3091-
3093.

Moieties to in-
formers abolished,
and fines to be paid
into Treasury.
R. S., §§ 3090,
3089, 2d ed., p 726.
14 C. Cls. 305.
107 U. S. 402.

Compensation for
detection of
smuggling.
R. S., §§ 257,
3090, 3087.

—to officers and
others for detect-
ing and seizing in
act of being smug-
gled.

17 Fed. Rep. 471.
18 Opins., 69.

Smuggling de-
fined for this act.
13 Blatch., 185.

Compensation to
informers who are
not officers.

5 Fed. R. 191.
7 Fed. R. 710.

Books, invoices,
and papers re-
quired in civil
suits under reve-
nue-laws, how ob-
tained.

14 Blatch., 554.
116 U. S. 617.

Be it enacted, &c., That the thirty-ninth section of the act entitled (1) "An act further to prevent smuggling, and for other purposes," approved July eighteenth, eighteen hundred and sixty-six; and the second section of the act entitled "An act to regulate the disposition of the proceeds of fines, penalties, and forfeitures incurred under the laws relating to the customs, and for other purposes," approved March second, eighteen hundred and sixty-seven, be, and the same are hereby, repealed.

SEC. 2. That all provisions of law under which moieties of any fines, penalties, or forfeitures, under the customs-revenue laws, or any share therein, or commission thereon, are paid to informers, or officers of customs, or other officers of the United States, are hereby repealed; and from and after the date of the passage of this act the proceeds of all such fines, penalties, and forfeitures shall be paid into the Treasury of the United States.

SEC. 3. That it shall hereafter be the duty of the Secretary of the Treasury, out of any money specifically appropriated by Congress, to make suitable compensation in certain cases under the customs-revenue laws, as hereinafter provided, and not otherwise; and for the purpose of making such compensation for the next fiscal year, the sum of one hundred thousand dollars is hereby appropriated out of any money in the Treasury not otherwise appropriated; and he shall annually report to Congress, in detail, all payments by him for such purpose.

SEC. 4. That whenever any officer of the customs or other person shall detect and seize goods, wares, or merchandise, in the act of being smuggled, or which have been smuggled, he shall be entitled to such compensation therefor as the Secretary of the Treasury shall award, not exceeding in amount one-half of the net proceeds, if any, resulting from such seizure, after deducting all duties, costs, and charges connected therewith:

Provided, That for the purposes of this act smuggling shall be construed to mean the act, with intent to defraud, of bringing into the United States, or, with like intent, attempting to bring into the United States, dutiable articles without passing the same, or the package containing the same, through the custom house, or submitting them to the officers of the revenue for examination.

And whenever any person not an officer of the United States shall furnish to a district attorney, or to any chief officer of the customs, original information concerning any fraud upon the customs-revenue, perpetrated or contemplated, which shall lead to the recovery of any duties withheld, or of any fine, penalty, or forfeiture incurred, whether by importers or their agents, or by any officer or person employed in the customs-service, such compensation may, on such recovery, be paid to such person so furnishing information as shall be just and reasonable, not exceeding in any case the sum of five thousand dollars; which compensation shall be paid, under the direction of the Secretary of the Treasury, out of any money appropriated for that purpose.

SEC. 5. That in all suits and proceedings other than criminal arising under any of the revenue-laws of the United States, the attorney representing the Government, whenever, in his belief, any business-book, invoice, or paper, belonging to or under the control of the defendant or claimant, will tend to prove any allegation made by the United States, may make a written motion, particularly describing such book, invoice, or paper, and setting forth the allegation which he expects to prove; and thereupon the court in which suit or proceeding is pending may, at its discretion, issue a notice to

NOTE.—(1) The provisions of the acts of 1866, ch. 201, and 1867, ch. 188 (14 Stat. L., 187, 547), referred to in this act, are incorporated into Revised Statutes in the sections noted in the margin.

the defendant or claimant to produce such book, invoice, or paper in court, at a day and hour to be specified in said notice, which, together with a copy of said motion, shall be served formally on the defendant or claimant by the United States marshal by delivering to him a certified copy thereof, or otherwise serving the same as original notices of suit in the same court are served;

And if the defendant or claimant shall fail or refuse to produce such book, invoice, or paper in obedience to such notice, the allegations stated in the said motion shall be taken as confessed unless his failure or refusal to produce the same shall be explained to the satisfaction of the court.

And if produced, the said attorney shall be permitted, under the direction of the court, to make examination (at which examination the defendant or claimant, or his agent, may be present) of such entries in said book, invoice, or paper as relate to or tend to prove the allegation aforesaid, and may offer the same in evidence on behalf of the United States.

But the owner of said books and papers, his agent or attorney, shall have, subject to the order of the court, the custody of them, except pending their examination in court as aforesaid.

SEC. 6. That no payment shall be made to any person furnishing information in any case wherein judicial proceedings shall have been instituted, unless his claim to compensation shall have been established to the satisfaction of the court or judge having cognizance of such proceedings, and the value of his services duly certified by said court or judge for the information of the Secretary of the Treasury; but no certificate of the value of such services shall be conclusive of the amount thereof.

And when any fine, penalty, or forfeiture shall be collected without judicial proceedings, the Secretary of the Treasury shall, before directing payment to any person claiming such compensation, require satisfactory proof that such person is justly entitled thereto.

SEC. 7. That except in cases of smuggling as aforesaid, it shall not be lawful for any officer of the United States, under any pretense whatever, directly or indirectly, to receive, accept, or contract for any portion of the money which may, under any of the provisions of this or any other act, accrue to any such person furnishing information; and any such officer who shall so receive, accept, or contract for any portion of the money that may accrue as aforesaid shall be guilty of a misdemeanor, and, on conviction thereof, shall be liable to a fine not exceeding five thousand dollars, or imprisonment for not more than one year, or both, in the discretion of the court, and shall not be thereafter eligible to any office of honor, trust, or emolument.

And any such person so furnishing information as aforesaid, who shall pay to any such officer of the United States, or to any person for his use, directly or indirectly, any portion of said money, or any other valuable thing, on account of or because of such money, shall have a right of action against such officer or other person, and his legal representatives, to recover back the same, or the value thereof.

SEC. 8. That no officer, or other person entitled to or claiming compensation under any provision of this act, shall be thereby disqualified from becoming a witness in any action, suit, or proceeding for the recovery, mitigation, or remission thereof, but shall be subject to examination and cross-examination in like manner with other witnesses, without being thereby deprived of any right, title, share, or interest in any fine, penalty, or forfeiture to which such examination may relate; and in every such case the defendant or defendants may appear and testify and be examined and cross-examined in like manner.

[Sections 9, 10, 11, 12, 14, and 16 expressly repealed by 1890, June 10, ch. 407, § 29, post, p. 755.]

—failure to produce.

—examination of, when produced.

—custody of, by owner or agent.

Claim of informer where judicial proceedings instituted to be certified by court.
5 Fed. Rep., 191.
7 Fed. Rep., 710.
17 Fed. Rep., 471.

—where no judicial proceedings, to be proved to Secretary of Treasury.

Officer receiving part of informer's fees, except in cases of smuggling, prohibited; penalty.

—action against, to recover money so paid may be had.

Officers and persons claiming compensation and defendants may be witnesses.
R. S., § 5295.

Merchandise entered in violation.

Repeal of R. S., § § 2864, 2865.

— may be released on giving bond, and paying or securing duties.

Customs officers detecting violations to report to collector, who shall report to district attorney.

District attorney, when to prosecute, &c.

R. S., § 838.
15 Opins., 522.

Proceedings for relief of persons charged with incurring fines, &c.

R. S., §§ 563, 5292.
16 Opins., 259, 473.
17 Fed. Rep., 138.

— summary hearing in, before whom to be had, and subsequent proceedings.

R. S., § 5292.
16 Opins., 473.

SEC. 13. That any merchandise entered by any person or persons violating any of the provisions of the preceding section, (1) but not subject to forfeiture under the same section, may, while owned by him or them, or while in his or their possession, to double the amount claimed, be taken by the collector and held as security for the payment of any fine or fines incurred as aforesaid, or may be levied upon and sold on execution to satisfy any judgment recovered for such fine or fines.

But nothing herein contained shall prevent any owner or claimant from obtaining a release of such merchandise on giving a bond, with sureties satisfactory to the collector, or, in case of judicial proceedings, satisfactory to the court, or the judge thereof, for the payment of any fine or fines so incurred: *Provided, however,* That such merchandise shall in no case be released until all accrued duties thereon shall have been paid or secured.

SEC. 14. [*Expressly repealed by 1890, June 10, chapter 407, § 29, post, p. 755.*]

SEC. 15. That it shall be the duty of any officer or person employed in the customs-revenue service of the United States, upon detection of any violation of the customs-laws, forthwith to make complaint thereof to the collector of the district, whose duty it shall be promptly to report the same to the district attorney of the district in which such frauds shall be committed.

Immediately upon the receipt of such complaint, if, in his judgment, it can be sustained, it shall be the duty of such district attorney to cause investigation into the facts to be made before a United States commissioner having jurisdiction thereof, and to initiate proper proceedings to recover the fines and penalties in the premises, and to prosecute the same with the utmost diligence to final judgment.

SEC. 16. [*Repealed by 1890, June 10, ch. 407, § 29, post, p. 755.*]

SEC. 17. That whenever, for an alleged violation of the customs-revenue laws, any person who shall be charged with having incurred any fine, penalty, forfeiture, or disability other than imprisonment, or shall be interested in any vessel or merchandise seized or subject to seizure, when the appraised value of such vessel or merchandise is not less than one thousand dollars, shall present his petition to the judge of the district in which the alleged violation occurred, or in which the property is situated, setting forth, truly and particularly, the facts and circumstances of the case, and praying for relief, such judge shall, if the case, in his judgment, requires, proceed to inquire, in a summary manner into the circumstances of the case, at such reasonable time as may be fixed by him for that purpose, of which the district attorney and the collector shall be notified by the petitioner, in order that they may attend and show cause why the petition should be refused.

SEC. 18. That the summary investigation hereby provided for may be held before the judge to whom the petition is presented, or if he shall so direct, before any United States commissioner for such district, and the facts appearing thereon shall be stated and annexed to the petition, and, together with a certified copy of the evidence, transmitted to the Secretary of the Treasury, who shall thereupon have

NOTE.—(1) Section 12 of this act, referred to in section 13 as "the preceding section," being expressly repealed by 1890, June 10, ch. 407, § 29, *post*, p. 755, is omitted from this volume. Section 12 provides that any owner, importer or other person who shall, with intent to defraud the revenue, make any entry of imported merchandise by means of false statements, either written or verbal, whereby the United States shall be deprived of lawful duties, shall be fined and imprisoned and the section 13 would seem to be no longer in force. It is here inserted merely because omitted from the repeal expressly embracing both sections 12 and 14, contained in the act of 1890.

power to mitigate or remit such fine, penalty, or forfeiture, or remove such disability, or any part thereof, if, in his opinion, the same shall have been incurred without willful negligence or any intention of fraud in the person or persons incurring the same, and to direct the prosecution, if any shall have been instituted for the recovery thereof, to cease and be discontinued upon such terms or conditions as he may deem reasonable and just.

SEC. 19. That it shall not be lawful for any officer or officers of the United States to compromise or abate any claim of the United States arising under the customs laws, for any fine, penalty, or forfeiture incurred by a violation thereof; and any officer or person who shall so compromise or abate any such claim, or attempt to make such compromise or abatement, or in any manner relieve or attempt to relieve from such fine, penalty, or forfeiture, shall be deemed guilty of a felony, and, on conviction thereof, shall suffer imprisonment not exceeding ten years, and be fined not exceeding ten thousand dollars:

Provided, however, That the Secretary of the Treasury shall have power to remit any fines, penalties, or forfeitures, or to compromise the same, in accordance with existing law.

SEC. 20. That whenever any application shall be made to the Secretary of the Treasury for the mitigation or remission of any fine, penalty, or forfeiture, or the refund of any duties, in case the amount involved is not less than one thousand dollars, the applicant shall notify the district attorney and the collector of customs of the district in which the duties, fine, penalty, or forfeiture accrued; and it shall be the duty of such collector and district attorney to furnish to the Secretary of the Treasury all practicable information necessary to enable him to protect the interests of the United States.

SEC. 21. That whenever any goods, wares, and merchandise shall have been entered and passed free of duty, and whenever duties upon any imported goods, wares, and merchandise shall have been liquidated and paid, and such goods, wares, and merchandise shall have been delivered to the owner, importer, agent, or consignee, such entry and passage free of duty and such settlement of duties shall, after the expiration of one year from the time of entry, in the absence of fraud and in the absence of protest by the owner, importer, agent, or consignee, be final and conclusive upon all parties.

SEC. 22. That no suit or action to recover any pecuniary penalty or forfeiture of property accruing under the customs revenue laws of the United States shall be instituted unless such suit or action shall be commenced within three years after the time when such penalty or forfeiture shall have accrued:

Provided, That the time of the absence from the United States of the person subject to such penalty or forfeiture, or of any concealment or absence of the property, shall not be reckoned within this period of limitation.

SEC. 23. That in lieu of the salaries, moieties, and perquisites of whatever name or nature, and commissions on disbursements, now paid to and received by the collectors, naval officers, and surveyors connected with the customs service in the several collection districts of the United States hereinafter named, there shall be paid, from and after the first day of July, eighteen hundred and seventy-four, an annual salary as follows:

To the collector of the district of New York, twelve thousand dollars.

To the collectors of the districts of Boston and Charlestown, Massachusetts; and Philadelphia, Pennsylvania, each eight thousand dollars.

To the collectors of the districts of San Francisco, California; Baltimore, Maryland; and New Orleans, Louisiana, each seven thousand dollars.

Officers compromising or abating claims for fines, forfeitures, &c., how punished.
R. S., § 5292.
1875, Jan. 22, ch. 22, post, p. 59.

Fines, how remitted, &c.
R. S., §§ 2858, 5292, 5293.

Applicants for remission of fines, &c., to notify district attorney and collector, who shall furnish information, &c.
R. S., §§ 5292-5294.

Settlements as to duties, after one year, in absence of fraud or protest, to be conclusive.

R. S., § 1047.
15 Opins., 121.
17 Blatch., 316.
10 Fed. Rep., 817; 124 U. S., 441.

Suits for penalties and forfeiture under customs laws to be commenced within three years, except in case of absence, &c.

R. S., § 1047.

Annual salaries to certain customs officers in lieu of other compensation.

1886, June 19, ch. 421, § 1, post, p. 492.

— to collectors.
R. S., §§ 2654-2656, 2659, 2688-2692, 3090.

To the collector of the district of Portland and Falmouth, Maine, six thousand dollars.

—to naval officers. To the naval officer for the district of New York, eight thousand dollars.

R. S., §§ 2655, 2656, 2689, 2703, 2704, 3090.

1879, Feb. 26, ch. 103, *post*, p. 220.

—to surveyors.

R. S., §§ 2656, 2657, 2688, 2689, 2714, 2719, 3090.

1875, ch. 130, § 10; 1879, Feb. 26,

Secretary of Treasury to regulate bonded warehouses, general-order stores, &c.

R. S., §§ 2892, 2926, 2954-3008.

General-order warehouses to be near landings.

Customs officers not to be interested in warehouses, &c.

Public cartage to be let to lowest bidder, and subject to regulation.

Repeal, saving existing rights, &c.

10 Fed. Rep., 822.

June 22, 1874.

18 Stat. L., 191.

Navy officers promoted, to have pay of grade from date of rank.

R. S., §§ 1493-1510.

19 C. Cls., 623; 116 U. S., 396.

—dismissed and restored by finding of court-martial not to have more than six months' back pay.

R. S., § 1624, art. 37.

15 Opins., 569.

CHAP. 392.—An act for the better government of the Navy of the United States.

Be it enacted, &c., That on and after the passage of this act, any officer of the Navy who may be promoted in course to fill a vacancy in the next higher grade shall be entitled to the pay of the grade to which promoted from the date he takes rank therein, if it be subsequent to the vacancy he is appointed to fill.

SEC. 2. That the accounting officers of the Treasury be, and are hereby, prohibited from making any allowance to any officer of the Navy who has been, or may hereafter be, dismissed from the service and restored to the same under the provisions of the twelfth section of the act of March third, eighteen hundred and sixty-five, entitled (1) "An act to amend the several acts heretofore passed to provide for the enrolling and calling out the national forces, and for other purposes", to exceed more than pay as on leave for six months from the date of dismissal, unless it shall appear that the officer demanded in writing, addressed to the Secretary of the Navy, and continued

NOTE.—(1) The provisions of the act of 1865, ch. 79, § 2 (13 Stat. L., 489), herein referred to, are incorporated into R. S., § 1624, art. 37.

to demand as often as once in six months, a trial as provided for in said act.

SEC. 3. That so much of the act entitled (2) "An act to authorize the Secretary of the Navy to provide for the education of naval constructors and steam-engineers, and for other purposes", approved July fourth, eighteen hundred and sixty-four", as provides that cadet-engineers, not to exceed fifty in number, shall be appointed by the Secretary of the Navy, is hereby repealed. [*Part omitted, which provides for appointment of naval cadets, is superseded by 1882, Aug. 5, ch. 391, par. 1, 22 Stat. L., 285, 286, and post, p. 376.*] [June 22, 1874.]

Cadet-engineers, not to be appointed.

R. S., § 1523.
1874, Feb. 24, ch. 35, § 2, ante, p. 4.
1882, Aug. 5, ch. 391, par. 1, post, p. 376.
1889, March 2, ch. 396, post, p. 696.

NOTE.—(2) The provisions of 1864, ch. 252, herein referred to, are incorporated into Revised Statutes, § 1527.

CHAP. 393.—An act to repeal so much of the act approved May eight, eighteen hundred and seventy-two, entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June thirty, eighteen hundred and seventy-three, and for other purposes" as provides for the employment of persons to assist the proper officers of the Government in discovering and collecting moneys withheld and for other purposes.

June 22, 1874.

18 Stat. L., 192.

Be it enacted, &c., That so much of the act entitled (1) "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June thirtieth, eighteen hundred and seventy-three, and for other purposes," approved May eighth, eighteen hundred and seventy-two, as provides for the employment by the Secretary of the Treasury, of not more than three persons to assist the proper officers of the Government in discovering and collecting any money belonging to the United States when the same shall be withheld by any person or corporation, be, and the same is hereby, repealed; and the Secretary of the Treasury is hereby directed to revoke and annul all contracts for the collection of such taxes made under and by authority of said act.

Authority for employment of persons by Secretary of Treasury to discover and collect public money withheld, repealed, &c.

R. S., § 256.
15 Opins., 133.
135 U. S., 271.

SEC. 2. That the Court of Claims shall have no authority to consider or decide upon any claims for damages by reason of the discontinuance of the contracts aforesaid, or for any profits or percentages under them. [June 22, 1874.]

Claims under existing contracts not to be enforced.

NOTE.—(1) The provisions of the act of 1872, ch. 69 (17 Stat. L., 68, 69) are incorporated in R. S., § 256.

CHAP. 395.—An act to amend an act entitled "An act to provide for the payment of horses and other property lost or destroyed in the military service of the United States," approved March third, eighteen hundred and forty-nine.

June 22, 1874.

18 Stat. L., 193.

Be it enacted, &c., That the first section of the act of March third, eighteen hundred and forty-nine, (1) providing for the payment for horses and equipments lost by officers or enlisted men in the military service, shall not be construed to deny payment to such officers or enlisted men, for horses which may have been purchased by them in States in insurrection; and payment in any case shall not be refused where the loss resulted from any exigency or necessity of the military service, unless it was caused by the fault or negligence of such officers or enlisted men.

Claims for horses lost by officers in military service not to be denied because horses were purchased in States in insurrection.

R. S., § 3482.
1 C. Cls., 400.
16 C. Cls., 522.
18 C. Cls., 259.
1885, March 3, ch. 335, post, p. 481.

SEC. 2. [*Superseded by 1883, Jan. 9, ch. 15, post, p. 390, and 1888, Aug. 13, ch. 868, § 2, post, p. 615.*] [June 22, 1874.]

NOTE.—The section of the act of 1849, ch. 129 (9 Stat. L., 414), here referred to, is incorporated into Revised Statutes, § 3482.

June 22, 1874.

CHAP. 396.—An act conferring jurisdiction upon the criminal court of the District of Columbia, and for other purposes.

18 Stat. L., 193.

District of Columbia; criminal-court jurisdiction.

R. S., §§ 727, 879, 1014-1016.

R. S. of D. C., §§ 760-771, 1049, 1050.

1891, March 3, ch. 536, § 1, *post*, p. 911.

127 U.S., 540.

Be it enacted, &c., That the criminal court of the District of Columbia shall have jurisdiction of all crimes and misdemeanors committed in said District, not lawfully triable in any other court, and which are required by law to be prosecuted by indictment or information.

SEC. 2. That the provisions of the thirty-third section of the judiciary act of seventeen hundred and eighty-nine (1) shall apply to courts created by act of Congress in the District of Columbia. [June 22, 1874.]

NOTE.—(1) The provisions here referred to of the judiciary act of 1789, ch. 20, §. 33 (1 Stat. L., 91), are incorporated into Revised Statutes, § § 727, 879, 1014-1016.

June 22, 1874.

CHAP. 400.—An act for the relief of settlers on railroad lands.

18 Stat. L., 194.

Railroad companies relinquishing lands in their grants entered for pre-emption or homestead may select other lands in lieu thereof.

R. S., §§ 2259, 2289.

1887, March 3, ch. 376, §§ 3, 5, *post*, p. 565.1890, Sept. 29, ch. 1040, *post*, p. 808.1891, March 3, ch. 561, §§ 4, 5, *post*, p. 940.

Be it enacted, &c., That in the adjustment of all railroad land grants, whether made directly to any railroad company or to any State for railroad purposes, if any of the lands granted be found in the possession of an actual settler whose entry or filing has been allowed under the pre-emption or homestead laws of the United States subsequent to the time at which, by the decision of the land-office, the right of said road was declared to have attached to such lands, the grantees, upon a proper relinquishment of the lands so entered or filed for, shall be entitled to select an equal quantity of other lands in lieu thereof from any of the public lands not mineral and within the limits of the grant not otherwise appropriated at the date of selection, to which they shall receive title the same as though originally granted.

1890, Aug. 29, ch. 819, *post*, p. 791.

Title of settlers may be perfected.

Grant to companies not enlarged.

Act not to be construed as confirming certain decisions of Interior Department.

And any such entries or filings thus relieved from conflict may be perfected into complete title as if such lands had not been granted:

Provided, That nothing herein contained shall in any manner be so construed as to enlarge or extend any grant to any such railroad or to extend to lands reserved in any land grant made for railroad purposes:

And provided further, That this act shall not be construed so as in any manner to confirm or legalize any decision or ruling of the Interior Department under which lands have been certified to any railroad company when such lands have been entered by a pre-emption or homestead settler after the location of the line of the road and prior to the notice to the local land-office of the withdrawal of such lands from market. [June 22, 1874.]

June 22, 1874.

CHAP. 401.—An act relating to circuit courts of the United States for the districts of Alabama.

18 Stat. L., 195.

Circuit court in Alabama; northern and middle districts established.

R. S., § 608.

—powers and jurisdiction of.

R. S., §§ 634, 4979, 4986.

1884, May 2, ch. 33, *post*, p. 427.

1890, June 26, ch.

Be it enacted, &c., That there shall be, and is hereby, established a circuit court of the United States for the middle district of Alabama, as said district is now constituted by law, to be held in the city of Montgomery, and a like court for the northern district of Alabama, as said district is now constituted by law, to be held in the city of Huntsville.

SEC. 2. That said circuit courts shall have and exercise, within their respective districts, the same original powers and jurisdiction as are or may be conferred by law upon the circuit court of the United States for the southern district of Alabama at Mobile. * * *

[Omitted lines relate to repealed jurisdiction.]

631, *post*, p. 760. 1891, March 3, ch. 517, § 4, *post*, p. 903.

SEC. 3. That there shall be appointed for each of said circuit courts for said middle and northern districts, by the circuit judge of the circuit, a clerk who shall take the oath and give the bond required by law of clerks of circuit courts, and who shall discharge all the duties and be entitled to all the fees and emoluments prescribed by law for clerks of circuit courts;

And the United States marshals for said middle and northern districts shall, respectively, act as marshals for said circuit courts, and the United States district attorney for said districts shall discharge the duties of district attorney in said circuit courts for said middle and northern districts.

SEC. 4. [*Relates to transfer of records.*]

SEC. 5. That the circuit court of the United States held at Mobile, Alabama, shall be designated and known as the circuit court of the United States for the southern district of Alabama; * * * [*Omitted lines relate to bankrupt act which is repealed.*]

And that the fourth section (1) of the act approved March third, eighteen hundred and seventy-three, entitled, "An act relating to the circuit and district courts of the United States for the middle and northern districts of Alabama" be, and the same is hereby repealed.

SEC. 6. That terms of the circuit and district courts for the several districts of Alabama shall be held as follows:

For the southern district, [*Superseded 1890, June 26, ch. 631, post, p. 760.*]

For the middle district, on the first Monday of May and the first Monday of November in each year;

For the northern district, on the first Monday of April and the second Monday of October in each year.

SEC. 7. That (2) the fifth section of the act approved February twenty-second, eighteen hundred and thirty-eight entitled, "An act to abolish the circuit court at Huntsville in the State of Alabama and for other purposes" and the act approved August fourth, eighteen hundred and forty-two, entitled "An act to regulate appeals and writs of error from the district court of the United States for the northern district of Alabama" be and the same are hereby, repealed.

SEC. 8. That all laws and parts of laws, inconsistent with the provisions of this act, be and the same are hereby repealed. [*June 22, 1874.*]

NOTES.—(1) § 4 of act of 1873, ch. 223 (17 Stat. L., 484), here referred to, is the same as R. S. § 634.
(2) The provisions here referred to, of 1838, ch. 12, § 5, and 1842, ch. 123 (5 Stat. L., 210, 504) are not incorporated into the Revised Statutes, but seem to have been superseded by the act of 1873, ch. 223 (17 Stat. L., 485), as incorporated into the Revised Statutes, §§ 608, 634.

Clerks of; their oaths, bonds, duties, and fees.

R. S., § 619.
1888, Aug. 13, ch. 866, § 7, *post*, p. 614. 1889, Feb. 6, ch. 113, § 3, *post*, p. 639.

Marshals and district attorneys to act for circuit courts.

R. S., §§ 767, 776.

Circuit court for southern district.

R. S., § 608.
1886, Aug. 4, ch. 842, *post*, p. 510.

Certain provisions as to appellate jurisdiction in Alabama repealed.

R. S., § 634.

Terms of circuit and district courts in Alabama.

R. S., §§ 572, 658.

1884, May 2, ch. 38, § 2, *post*, p. 427.

Certain laws respecting appeals, &c., repealed.

R. S., §§ 608, 634.

Repeal.

CHAP. 402.—An act to constitute Montgomery, in the State of Alabama, a port of delivery.

June 22, 1874.

Be it enacted, &c., That Montgomery, in the State of Alabama, shall be, and is hereby, constituted a port of delivery, within the collection-district of Mobile; and there shall be appointed a deputy collector of customs, to reside at said port, who shall receive a salary, to be determined by the Secretary of the Treasury, not exceeding one thousand five hundred dollars per annum. [*June 22, 1874.*]

18 Stat., 196.
Montgomery, Ala., to be port of delivery.

—and to have deputy collector.

R. S., §§ 2564, 2565.

CHAP. 413.—An act authorizing the Secretary of War to sell unserviceable ordnance stores, and for other purposes.

June 22, 1874.

Be it enacted, &c., That from and after the passage of this act the Secretary of War be, and he is hereby, authorized and directed to be caused to be sold in such manner, and at such times and places,

18 Stat. L., 200.

Secretary of War to sell unserviceable ordnance stores.

R. S., §§ 3618, 3672, 3692.
1875, March 3, ch. 139, par. 11, post, p. 74.
1884, July 5, ch. 235, § 3, post, p. 468.

and in such quantities, as shall most conduce to the interest of the United States, all obsolete and unserviceable ammunition and leaden balls, and the surplus of pig lead in excess of two thousand tons now stored in the various arsenals of the United States, and to cause the net proceeds of such sale, after paying all costs and expenses of breaking up and preparing said ammunition for sale, and all the necessary expenses of such sale, including the cost of transportation to the place of sale, to be covered into the Treasury of the United States with full accounts of said expenses. [June 22, 1874.]

June 22, 1874.

CHAP. 414.—An act providing for the collection of moneys due the United States from the Pacific Railroad Companies.

18 Stat. L., 200.

Pacific Railroad Co. to pay U. S. percentage on net earnings. Suits to be brought.

1862, ch. 120 (13 Stat. L., 489).

1864, ch. 216 (13 Stat. L., 365).

1873, ch. 226, §§ 2, 4 (17 Stat. L., 508).

R. S. §§ 5260, 5261.

1878, May 7, ch. 96, post, p. 160.

1879, March 3, ch. 183, par. 5, post p. 254.

11 C. Cls., 1.

12 C. Cls., 237.

13 C. Cls., 401.

91 U. S., 72.

138 U. S. 84.

Be it enacted, &c., That the Secretary of the Treasury be, and hereby is, directed to require payment of the railroad-companies, their successors and assigns, or the successors or assigns of any or either of said companies, of all sums of money due or to become due, the United States for the five per centum of the net earnings provided for by the act entitled "An act to aid in the construction of a railroad and telegraph-line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes" approved July first, eighteen hundred and sixty-two, or by any other act or acts in relation to the companies therein named, or any other such company or companies, and in case either of said railroad-companies shall neglect or refuse to pay the same within sixty days after demand therefor made upon the treasurer of such railroad company, the Secretary of the Treasury shall certify that fact to the Attorney-General, who shall thereupon institute the necessary suits and proceedings to collect and otherwise obtain redress in respect of the same in the proper circuit courts of the United States, and prosecute the same, with all convenient dispatch to a final determination. [June 22, 1874.]

June 22, 1874.

CHAP. 419.—An act authorizing the transfer of gold mint bars from the bullion fund of the assay office New York to the Assistant Treasurer at New York.

18 Stat. L., 202.

Gold bars may be transferred from bullion-fund and applied to redemption of coin certificates or in exchange for gold coins in N. Y.

R. S., §§ 3518, 3519, 3543.

1878, June 19, ch. 359, par. 4, post, p. 200.

Be it enacted, &c., That the Secretary of the Treasury may, from time to time, transfer to the office of the Assistant Treasurer at New York from the bullion fund of the assay office at New York, refined gold bars bearing the United States stamp of fineness, weight and value, or bars from any melt of foreign gold coin or bullion of standard equal to or above that of the United States and may apply the same to the redemption of coin certificates or in exchange for gold coins at not less than par and not less than the market value subject to such regulations as he may prescribe. [June 22, 1874.]

June 22, 1874.

CHAP. 422.—An act to appropriate lands for the support of schools in certain fractional townships in the State of Missouri. (1)

18 Stat. L., 202.

School lands for certain fractional townships in Missouri; how reserved

Be it enacted, &c., That for all fractional townships in the State of Missouri, which are entitled to public lands for the support of schools, according to the provisions of the act of Congress approved

NOTES.—(1) Provisions of the public land laws applying especially to the State of Missouri are as follows: 1874, June 6, ch. 323, ante, p. 11; 1875, Feb. 23, ch. 99, post, p. 67; 1876, May 5, ch. 91, post, p. 104; 1877, March 3, ch. 116, post, p. 141; 1879, Jan. 28, ch. 30, post, p. 209; 1879, July 1, ch. 60, post, p. 209; 1889, March 2, ch. 381, § 1, post, p. 682.

(2) The provisions of the act of 1826, ch. 83 (4 Stat. L., 170), are incorporated into Revised Statutes, §§ 2275, 2276, which are wholly superseded by substitutes in the act noted in the margin

May twentieth eighteen hundred and twenty-six entitled. (2) "An act to appropriate lands for the support of schools in certain townships and fractional townships not before provided for," and for which no selections have heretofore been made, there shall be reserved and appropriated out of the public lands, for each of said fractional townships, the amount of land to which they were respectively entitled according to the provisions of said act.

SEC. 2. That the lands to which said fractional townships are entitled as aforesaid shall be selected by the Commissioner of the General Land-Office out of any unappropriated public land within the State of Missouri subject to sale or location at one dollar and twenty-five cents an acre:

Provided, That said Commissioner, in making such selection, shall select such land as shall be designated to him for that purpose by the county courts of the counties in which such fractional townships are situated; and, when so selected, said lands shall be held by the same tenure, and upon the same terms, for the support of schools in such fractional townships, as sections numbered sixteen are, or may be, held in the State of Missouri. [June 22, 1874.]

R. S., §§ 2275, 2276.

1891, Feb. 28, ch. 384, *post*, p. 898.

School lands to be selected by Commissioner of General Land Office.

—manner of selection and tenure of title.

R. S., § 2275.

CHAP. 453.—An act to prevent hazing at the Naval Academy.

Be it enacted, &c., That in all cases when it shall come to the knowledge of the superintendent of the Naval Academy, at Annapolis, that any cadet-midshipman or cadet-engineer has been guilty of the offense commonly known as hazing, it shall be the duty of said superintendent to order a court-martial, composed of not less than three commissioned officers, who shall minutely examine into all the facts and circumstances of the case and make a finding thereon; and any cadet-midshipman or cadet-engineer found guilty of said offense by said court shall, upon recommendation of said court be dismissed; and such finding, when approved by said superintendent, shall be final; and the cadet so dismissed from said Naval Academy shall be forever ineligible to re-appointment to said Naval Academy. [June 23, 1874.]

June 23, 1874.

18 Stat. L., 203.

Hazing at Naval Academy, how punished.

R. S., §§ 1511-1528.

1889, March 2, ch. 396, and note, *post*, p. 696.

15 Opins., 80.

CHAP. 454.—An act to amend the act entitled "An act to reorganize the courts in the District of Columbia, and for other purposes," approved March 3, 1863.

Be it enacted, &c., That the justice of the supreme court of the District of Columbia, holding a criminal term for said District, may, when not engaged in the proper business of the criminal term, hold sittings of the circuit court, and employ the petit juries drawn for the criminal term in the trial of such cases depending in said circuit court as the justice presiding therein may assign to him for that purpose; and the business done at such sittings shall be recorded in the minutes of the circuit court. [June 23, 1874.]

June 23, 1874.

18 Stat. L., 204.

Justice of Sup. Court, D. C., holding criminal term may hold circuit court.

R. S. of D. C., § 753. 1879, Feb. 25, ch. 99, § 3, *post*, p. 220. 1880, June 8, ch. 137, § 1, *post*,

p. 291; 1889, March 1, ch.

308, § 2, *post*, p. 651.

CHAP. 455.—An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and seventy-five, and for other purposes.

Be it enacted, &c., * * [Par. 1.] That hereafter the Congressional Printer shall print, upon the order of the heads of the Executive Departments, respectively, only such limited number of

June 23, 1874.

18 Stat. L., 204.

Printing of reports of Departments regulated.

R. S., §§ 3779, 3798. 1876, July 31, ch. 246, par. 1, *post*, p. 114; 1883, Feb. 12, ch. 43, *post*, p. 397; 1884, July 7, ch. 332, par. 8, *post*, p. 469.

Destruction of national-bank and United States notes, &c., may be by maceration instead of burning.

R. S., §§ 3581, 5184, 5225.

Moneys appropriated for charitable purposes, to whose credit to be placed; to be paid only on checks, &c.

R. S., §§ 3620, 3678.

1890, Aug. 30, ch. 837, § 4, *post*, p. 794.

—payments from, under \$20, how may be made.

Property of Light-House Establishment no longer required may be sold.

R. S., § 4675.

Light-House Board's jurisdiction extended over Mississippi, Ohio, and Missouri Rivers.

R. S., §§ 4653-4680.

the annual reports (1) of such Departments and necessary accompanying reports of subordinates as may be deemed necessary for the use of Congress:

Provided, however, That no expensive maps or illustrations shall be printed without the special order of Congress. * *

[*Par. 2.*] For the maceration of national bank notes, United States notes, and other obligations of the United States authorized to be destroyed * * ; and that all such issues hereafter destroyed may be destroyed by maceration instead of burning to ashes, as now provided by law; and that so much of sections twenty-four and forty-three of the national-currency act (2) as requires national bank notes to be burned to ashes is hereby repealed; that the pulp from such macerated issue shall be disposed of only under the direction of the Secretary of the Treasury. * *

[*Par. 3.*] All moneys hereafter appropriated for the aid, use, support, or benefit of any charitable, industrial, or other association, institution, or corporation, shall be placed to the credit of the proper fiscal officer of such association, institution, or corporation, by warrant of the Secretary of the Treasury, on the books of the Treasurer of the United States, or of an assistant treasurer or designated depository of the United States other than a national bank, and shall be paid out only on the checks of such fiscal officer, drawn payable to the order of the person to whom payment is to be made, for services, materials, or any other purpose, and stating in writing thereon the specific object or purpose to which the avails thereof are to be applied:

Provided, That when payments are to be made under twenty dollars, such fiscal officer may check in his own name, but shall state in writing on the check that the avails thereof are to be applied to the payment of small claims, and shall furnish, to the Treasurer, assistant treasurer, or designated depository on whom the check is drawn, a certified list of such claims, which list shall set forth the amount and nature of each claim and the name of each claimant. * *

[*Par. 4.*] That the Secretary of the Treasury shall have power to order the sale at auction, after due public notice, of any real estate or other property pertaining to the Light House Establishment, no longer required for light-house purposes; the proceeds of such sales, after the payment therefrom of the expenses of making the same, to be deposited and covered into the Treasury as miscellaneous receipts, as now provided by law in like cases. * *

[*Par. 5.*] The jurisdiction of the Light-House Board, created by the act entitled (3) "An act making appropriations for light-houses, light-boats, buoys, and so forth, and providing for the erection and establishment of the same, and for other purposes" approved August thirty-first, eighteen hundred and fifty-two, is hereby extended over the Mississippi, Ohio, and Missouri Rivers, for the establishment of such beacon-lights, day-beacons, and buoys as may be necessary for the use of vessels navigating those streams; and for this purpose the said board is hereby required to divide the designated rivers into one or two additional light-house districts, to be in all respects similar to the already existing light-house districts; and is hereby authorized to lease the necessary ground for all such lights and beacons as are

NOTES.—(1) In every sundry civil appropriation act from 1886, Aug. 4, ch. 602, to 1891, March 3, ch. 542, (24 Stat. L., 254, 542, 25 Stat. L., 547, 979, 26 Stat. L., 411, 989,) the following amendment of this provision has appeared, apparently limited to a single year in each act:

And the heads of the Executive Departments, before transmitting their annual reports to Congress, the printing of which is chargeable to this appropriation, shall cause the same to be carefully examined, and shall exclude therefrom all matter, including engravings, maps, drawings, and illustrations, except such as they shall certify in their letters transmitting such reports to be necessary and to relate entirely to the transaction of public business.

(2) The provisions of the act of 1864, ch. 106 (13 Stat. L., 106) here referred to, are incorporated into Revised Statutes, §§ 5184, 5225.

(3) The provisions of the act of 1852, ch. 116 (10 Stat. L., 118), here referred to, are incorporated into Revised Statutes within the sections noted in the margin.

used to point out changeable channels, and which in consequence can not be made permanent.

[*Par. 6.*] That after June thirtieth, eighteen hundred and seventy-four, the Freedmen's Hospital in the District of Columbia shall, until otherwise ordered by Congress, be continued under the direction of the Secretary of the Interior, who shall make all estimates and pass all accounts, and shall be accountable to the Treasury of the United States for all expenditures; and all property including hospital and quartermaster's stores, belonging to said hospital, and now in charge of the War Department, be also transferred to the Interior Department. [*June 23, 1874.*]

Freedmen's Hospital in D. of C. to be under direction of Secretary of Interior, &c.
R. S., § 2038.

CHAP. 456.—An act making appropriations for the service of the Post-Office Department for the fiscal year ending June thirtieth, eighteen hundred and seventy-five, and for other purposes.

June 23, 1874.

18 Stat. L., 231.

Be it enacted, &c. * * [*Par. 1.*] And for the more efficient management of the free-delivery system, the Postmaster-General may designate a fourth class clerk to act as superintendent of free delivery in the Post-Office Department at an annual salary of two thousand five hundred dollars; * *

Superintendent of free delivery to be designated; his salary.
R. S., § 394.

[*Par. 2.*] That hereafter no payment shall be made to any newspaper published in the District of Columbia for advertising any other routes than those in Virginia and Maryland.

Certain mail routes only, to be advertised in D. C.
R. S., § 3827.
Stamped envelopes.

[*Par. 3.*] That hereafter no envelope, as furnished by the Government, shall contain any lithographing and engraving, nor any printing except a printed request to return the letter to the writer. * *

R. S., § 3915.
1888, Jan. 20, ch. 2, *post*, p. 577.

SEC. 4. [*Rev. Stat. not to be in newspapers.—No longer applicable.*]

SEC. 5. (1) That on and after the first day of January, eighteen hundred and seventy-five, all newspapers and periodical publications mailed from a known office of publication or news agency, and addressed to regular subscribers or news agents, postage shall be charged at the following rates: On newspapers and periodical publications, issued weekly and more frequently than once a week, two cents for each pound or fraction thereof and on those issued less frequently than once a week, three cents for each pound or fraction thereof.

Rates of postage on newspapers and periodicals mailed from office of publication or agency, &c.
R. S., § 3509.
15 Opins., 345.
16 Opins., 238.

Provided That nothing in this act shall be held to change or amend section ninety-nine (2) of the act entitled "An act to revise, consolidate, and amend the statutes relating to the Post-Office Department," approved June eight, eighteen hundred and seventy-two:

—on such matter mailed for local free delivery not changed.

SEC. 6. That on and after the first day of January, eighteen hundred and seventy-five, upon the receipt of such newspapers and periodical publications at the office of mailing, they shall be weighed in bulk, and postage paid thereon by a special adhesive stamp, to be devised and furnished by the Postmaster-General, which shall be affixed to such matter, or to the sack containing the same, or upon a memorandum of such mailing, or otherwise, as the Postmaster-General may, from time to time, provide by regulation.

R. S., § 3872.
—method of paying postage in such cases.

SECS. 7, 8. [*Superseded by 1879, March 3, ch. 180, §§ 25, 17, post, pp. 249, 247.*]

SEC. 9. That the Postmaster-General, when in his judgment it shall be necessary, may prescribe, by regulation, an affidavit in form, to be taken by each publisher of any newspaper or periodical publication sent through the mails under the provisions of this act, or

Publishers, agents, &c., to make affidavit when required.
R. S., § 3909.

NOTES.—(1) This section seems to be mainly, if not wholly superseded by the provisions of 1885, March 3, ch. 342, par. 4, *post*, p. 468, (see also 1879, March 3, ch. 180, §§ 10, 12, 14, 1884, June 9, ch. 73, and 1888, June 18, ch. 394, § 1, *post*, pp. 246, 438, 593), but is here retained as necessary to a correct understanding of the following section (§ 6), which is still in force.

(2) The several provisions of the act of 1872, ch. 335 (17 Stat. L., 283), referred to in this act, are incorporated into the Revised Statutes in the sections noted in the margin.

news agent who distributes any of such newspapers or periodical publications under the provisions of this act, or employee of such publisher or news agent, stating that he will not send, or knowingly permit to be sent, through the mails any copy or copies of such newspaper or periodical publications except to regular subscribers thereto, or news agents, without prepayment of the postage thereon at the rate of one cent for each two ounces or fractional part thereof;

Penalty for depositing matter in office without making affidavit. 1888, June 18, ch. 394, § 1, *post*, p. 593.

And if such publisher or news agent, or employee of such publisher or news agent, when required by the Postmaster-General or any special agent of the Post-Office Department to make such affidavit, shall refuse so to do, and shall thereafter, without having made such affidavit deposit any newspapers in the mail for transmission, he shall be deemed guilty of a misdemeanor, and on conviction, shall be fined not exceeding one thousand dollars for each refusal;

—for mailing such matter.

And if any such person shall knowingly and willfully mail any such matter without the payment of postage as provided by this act, or procure the same to be done with the intent to avoid the prepayment of postage due thereon;

—for postmasters permitting same to be mailed.

Or if any postmaster or post-office official shall knowingly permit any such matter to be mailed without prepayment of postage as provided in this act, and in violation of the provisions of the same, he or they shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be fined not more than one thousand dollars, or imprisoned not exceeding one year, one or both, in the discretion of the court.

Changes here made to take effect Jan. 1, 1875.

SEC. 10. That so much of this act as changes the rate of postage on newspapers and periodical publications shall not take effect until the first day of January next.

SEC. 11. [*Superseded by 1879, March 3, ch. 180, §§ 11, 17, 25, post, pp. 246, 247, 249, and 1885, March 3, ch. 342, par. 4, post, p. 483.*]

SEC. 12. That section two hundred and forty-five, section two hundred and forty-six section two hundred and forty-seven, section two hundred and fifty-one, and section two hundred and fifty-three of the act entitled (3) "An act to revise, consolidate, and amend the statutes relating to the Post Office Department, approved June eighth, eighteen hundred and seventy-two, be amended to read as follows:

Proposals for carrying mail to be accompanied by bond of bidder, &c.

"SEC. 245. That every proposal for carrying the mail shall be accompanied by the bond of the bidder, with sureties approved by a postmaster, and in cases where the amount of the bond exceeds five thousand dollars, by a postmaster of the first, second, or third class, in a sum to be designated by the Postmaster-General in the advertisement of each route; to which bond a condition shall be annexed, that if the said bidder shall, within such time after his bid is accepted as the Postmaster-General shall prescribe, enter into a contract with the United States of America, with good and sufficient sureties, to be approved by the Postmaster-General, to perform the service proposed in his said bid, and, further, that he shall perform the said service according to his contract, then the said obligation to be void, otherwise to be in full force and obligation in law; and in case of failure of any bidder to enter into such contract to perform the service, or, having executed a contract, in case of failure to perform the service, according to his contract, he and his sureties shall be liable for the amount of said bond as liquidated damages, to be recovered in an action of debt on the said bond.

Substitute for. R. S. §§ 3945-3947.

—not to be considered unless accompanied by bond and oath.

No proposal shall be considered unless it shall be accompanied by such bond, and there shall have been affixed to said proposal the oath of the bidder, taken before an officer qualified to administer oaths, that he has the ability, pecuniarily, to fulfill his obligations, and that the bid is made in good faith, and with the intention to enter into contract and perform the service in case his bid is accepted."

"SEC. 246. [*For substitute see 1876, Aug. 11, ch. 260, post, p. 116.*]

NOTE.—(3) The several provisions of the act of 1872, ch. 385 (17 Stat. L., 268), referred to in this act, are incorporated into the Revised Statutes in the sections noted in the margin.

“SEC. 247. That any postmaster who shall affix his signature to the approval of any bond of a bidder, or to the certificate of sufficiency of sureties in any contract before the said bond or contract is signed by the bidder or contractor and his sureties, or shall knowingly, or without the exercise of due diligence, approve any bond of a bidder with insufficient sureties, or shall knowingly make any false or fraudulent certificate, shall be forthwith dismissed from office, and be thereafter disqualified from holding the office of postmaster, and shall also be deemed guilty of a misdemeanor, and, on conviction thereof, be punished by a fine not exceeding five thousand dollars, or by imprisonment not exceeding one year, or both.”

“SEC. 251. [*For substitute see 1876, Aug. 11, ch. 260, post, p. 116.*]

“SEC. 253. [*Expressly repealed by 1890, Sept. 30, ch. 1123, post, p. 810.*]

SEC. 13. * * * That the postage on each copy of the daily Congressional Record mailed from the city of Washington as transient matter shall be one cent. [*June 23, 1874.*]

Penalty for postmaster illegally approving bond, &c.

R. S., § 3947.

Postage on Congressional Record, 1874, June 20, Res. No. 12, and note, *post*, p. 56. 1875, Mar. 3, ch. 128, § 5, *post*, p. 70. June 23, 1874. 18 Stat. L., 244.

CHAP. 458.—An act reorganizing the several staff corps of the Army.

Be it enacted &c. [*Section 1 is superseded by 1885, Feb. 5, ch. 50, post, p. 473.*]

SEC. 2. [*Superseded by 1884, July 5, ch. 218, post, p. 457.*]

SEC. 3. That hereafter there shall be three assistant commissaries-general of subsistence, with the rank, pay, and emoluments of lieutenant-colonel, instead of the two now allowed by law of said grade in the Subsistence Department;

Three assistant commissaries-general.

R. S., § 1140.

That the number of commissaries of subsistence with the rank, pay, and emoluments of a captain of cavalry, is hereby reduced to twelve, and no appointment to fill a vacancy in said grade shall be made until the number thereof shall be reduced to twelve, and the number thereafter shall remain fixed at twelve.

Twelve commissaries.

SEC. 4. That the Medical Department of the Army shall hereafter consist of one Surgeon-General, with the rank, pay, and emoluments of a brigadier-general; one assistant surgeon-general, and one chief medical purveyor, each with the rank, pay, and emoluments of a colonel; and two assistant medical purveyors, with the rank, pay, and emoluments of lieutenant-colonels, who shall give the same bonds which are or may be required of assistant paymasters-general of like grade, and shall, when not acting as purveyors, be assignable to duty as surgeons by the President; fifty surgeons, with the rank, pay, and emoluments of majors; one hundred and fifty assistant surgeons, with the rank, pay, and emoluments of lieutenants of cavalry for the first five years' service, and with the rank, pay, and emoluments of captains of cavalry after five years' service; and four medical store-keepers, with the same compensation as is now provided by law;

Medical Department; Surgeon-General and other officers, their rank and pay.

R. S., § 1168-1174.

1876, June 26, ch. 146, *post*, p. 106. 1887, March 1, ch. 311, *post*, p. 549.

And all the original vacancies in the grade of assistant surgeon shall be filled by selection by competitive examination;

—vacancies in office of assistant surgeon, how filled.

R. S., § 1168.

[*Omitted part superseded by 1887, March 1, ch. 311, post, p. 549.*]

SEC. 5. That the Ordnance Department shall consist of one Chief of Ordnance, with the rank, pay, and emoluments of a brigadier-general; three colonels, four lieutenant-colonels, ten majors, twenty captains, sixteen first lieutenants; and all vacancies which may hereafter exist in the grade of first lieutenant in said Department shall be filled by transfer from the line of the Army:

Ordnance Department; officers of their rank, pay, &c.

R. S., §§ 1159-1167.

1882, May 1, ch. 111, *post*, p. 338.

Provided, That no appointment or promotion in said Department shall hereafter be made until the officer or person so appointed or promoted shall have passed a satisfactory examination before a board of ordnance-officers senior to himself.

—examinations for appointment or promotion in.

Officers now in service not reduced in rank, &c.

Vacancies in Ordnance and Medical Departments not to be filled until numbers reduced, &c.

SEC. 6. That no officer now in service shall be reduced in rank or mustered out by reason of any provision of law herein made reducing the number of officers in any department or corps of the staff.

SEC. 7. That as vacancies shall occur in any of the grades of the Ordnance and Medical Departments, no appointments shall be made to fill the same until the numbers in such grade shall be reduced to the numbers which are fixed for permanent appointments by the provisions of this act;

And thereafter the number of permanent officers in said grades shall continue to conform to said reduced numbers, and all other grades in said Ordnance and Medical Departments than those authorized by the provisions of this act shall cease to exist as soon as the same shall become vacant by death, resignation or otherwise;

And no appointment or promotion shall hereafter be made to fill any vacancy which may occur therein.

SEC. 8. That so much of section six of an act entitled (1) "An act making appropriations for the support of the Army for the year ending June thirtieth, eighteen hundred and seventy, and for other purposes," approved March third, eighteen hundred and sixty-nine, as applies to the Ordnance, Subsistence and Medical Departments of the Army be, and the same is hereby repealed:

Provided, That this section repealing said section shall not apply to any of the grades of the Medical or Ordnance Departments which are omitted or abolished by the provisions of this act. [June 23, 1874.]

NOTE.—(1) The provisions of the act of 1869, ch. 124, § 6 (15 Stat. L., 318) here referred to, are incorporated into Revised Statutes, § 1159. The whole section is repealed by 1877, March 3, ch. 100, *post*, p. 134.

June 23, 1874.

18 Stat. L., 250.

Wilful injury to works of United States telegraph lines, how punished.

R. S., §§ 223, 5267.

1874, Feb. 4, ch. 22; March 7, ch. 50, *ante*, pp. 3, 5.

1875, March 3, ch. 130, par. 12, *post*, p. 74.

1883, March 3, ch. 143, par. 3, *post*, p. 420.

CHAP. 461.—An act to protect lines of telegraph constructed or used by the United States from malicious injury and obstruction.

Be it enacted, &c., That any person or persons who shall wilfully or maliciously injure or destroy any of the works or property or material of any telegraphic line constructed and owned, or in process of construction, by the United States, or any that may be hereafter constructed and owned or occupied and controlled by the United States, or who shall wilfully or maliciously interfere in any way with the working or use of any such telegraphic line, or who shall wilfully or maliciously obstruct, hinder, or delay the transmission of any communication over any such telegraphic line, shall be deemed guilty of a misdemeanor, and, on conviction thereof in any district court of the United States having jurisdiction of the same, shall be punished by a fine of not less than one hundred nor more than one thousand dollars, or with imprisonment for a term not exceeding three years, or with both, in the discretion of the court. [June 23, 1874.]

June 23, 1874.

18 Stat. L., 251.

Courts at Evansville, Ind.

R. S., §§ 572, 658. 1881, March 3, ch. 154, *post*, p. 327.

CHAP. 463.—An act to change the times of holding the circuit and district courts at the city of Evansville.

Be it enacted, &c., That the terms of the circuit and district courts of the United States for the district of Indiana, which are provided by law to be holden at the city of Evansville, shall hereafter be held at that city on the first Mondays of April and October in each year.

SEC. 2. [*Relates to pending cases.*] [June 23, 1874.]

June 23, 1874.

18 Stat. L., 251.

Bringing into United States, &c., kidnapped

CHAP. 464.—An act to protect persons of foreign birth against forcible constraint or involuntary servitude.

Be it enacted, &c., That whoever shall knowingly and wilfully bring into the United States, or the Territories thereof, any person

inveigled or forcibly kidnapped in any other country, with intent to hold such person so inveigled or kidnapped in confinement or to any involuntary service, and whoever shall knowingly and wilfully sell, or cause to be sold, into any condition of involuntarily servitude, any other person for any term whatever, and every person who shall knowingly and wilfully hold to involuntary service any person so sold or bought, shall be deemed guilty of a felony, and, on conviction thereof be imprisoned for a term not exceeding five years and pay a fine not exceeding five thousand dollars.

SEC. 2. That every person who shall be accessory to any of the felonies herein declared, either before or after the fact, shall be deemed guilty of a felony, and on conviction thereof be imprisoned for a term not exceeding five years and pay a fine not exceeding one thousand dollars. [June 23, 1874.]

persons to hold to involuntary servitude, how punished.

R. S., §§ 2161, 5375, 5525.
17 Blatch., 423.
1 Fed. Rep., 676.

—accessories, how punished.

CHAP. 465.—An act to provide for the care and custody of persons convicted in the courts of the United States who have or may become insane while imprisoned.

June 23, 1874.

18 Stat. L., 251.

Be it enacted, &c. [For substitute for §1 see 1882, Aug. 7, ch. 433, par. 14, post, p. 382.]

SEC. 2. That in all cases where any person convicted in a court of the United States shall, while imprisoned under such conviction in any State prison or penitentiary, become and be insane, and there shall not be accommodation for such insane person at the Insane Asylum of the District of Columbia, or if for other reasons the Attorney-General is of opinion that such insane person should be placed at a State insane asylum rather than at said District Asylum, then the Attorney-General shall have power in his discretion to contract with any State insane or lunatic asylum, within the State in which such convict is imprisoned, for his care and custody while remaining so insane;

—Attorney-General may contract with State asylums for care of.

R. S., §§ 4851, 4852.

And in all cases where such convicts shall have heretofore been, or shall hereafter be, transferred to a State asylum for insane convicts, in accordance with the laws of such State, the Attorney-General is hereby authorized and directed to compensate the said asylum, or the proper authorities controlling the same, for the care and custody of such insane convicts, until their removal or discharge, in such amounts as he shall deem just and reasonable; but no contract shall be made or compensation paid for the care of such insane person beyond their respective terms of imprisonment.

—to compensate asylums therefor.

SEC. 3. That whenever such insane convict shall be restored to sanity, after he or she shall have been transferred under the provisions of this act, he or she shall be returned to the prison or penitentiary from which the transfer was made, provided the term of imprisonment shall not have expired.

Convicts restored to sanity to be returned to prison.

The questions of sanity in all cases arising under this act shall be determined in accordance with the rules and regulations of existing laws, State or national, on that subject, applicable to the prison, penitentiary, or asylum where such convict shall be confined. [June 23, 1874.]

Sanity, how determined.

CHAP. 468.—An act to amend the act entitled "An act to amend an act entitled 'An act to establish a court for the investigation of claims against the United States,'" approved August 6th, 1856. (1)

June 23, 1874.

18 Stat. L., 252.

Be it enacted, &c., That any three judges of the Court of Claims shall constitute a quorum; *Provided*, That the concurrence of three judges shall be necessary to the decision of any case. [June 23, 1874.]

Quorum of Court of Claims, &c.

R. S., § 1052.

NOTE.—(1) The provisions of the act of 1856, ch. 81, § 1, (11 Stat. L., 30) are incorporated in R. S., § 1052

June 23, 1874.

CHAP. 469.—An act in relation to courts and judicial officers in the Territory of Utah.

18 Stat. L., 253.

In Utah, marshal to attend all sessions of supreme and district courts, &c.

R. S., §§ 776-792, 1876-1895, 1907.

Service of process and mileage.

R. S., § 829.

1875, Feb. 25, ch. 95, § 7; March 3, ch. 133, par. 1, post, pp. 66, 81.

Deputy marshals, their appointment, bond, oath, &c.

R. S., § 780, 783.

—actions for misfeasance of, how brought.

Sheriffs may serve processes.

Attorney of U. S. to attend both U. S. and Territorial courts, act as prosecuting officer, appoint assistants, &c.

R. S., § 1875.

Fees for services of assistants.

Prosecuting attorney may be elected in any county; his duties, &c.

Costs of prosecutions, how paid.

Be it enacted, &c., That it shall be the duty of the United States marshal of the Territory of Utah, in person or by deputy, to attend all sessions of the supreme and district courts in said Territory, and to serve and execute all process and writs issued out of, and all orders, judgments, and decrees made by, said courts, or by any judge thereof, unless said court or judge shall otherwise order in any particular case.

All process, writs, or other papers left with said marshal, or either of his deputies, shall be served without delay, and in the order in which they are received, upon payment or tender of his legal fees therefor; and it shall be unlawful for said marshal to demand or receive mileage for any greater distance than the actual distance by the usual routes from the place of service or execution of process, writ, or other paper, to the place of return of the same, except that when it shall be necessary to convey any person arrested by legal authority out of the county in which he is arrested, said marshal shall be entitled to mileage for the whole distance necessarily traveled in delivering the person so arrested before the court or officer ordering such arrest.

Said marshal is hereby authorized to appoint as many deputies as may be necessary, each of whom shall have authority, in the name of said marshal, to perform any act with like effect and in like manner as said marshal; and the marshal shall be liable for all official acts of such deputies, as if done by himself. Such appointment shall not be complete until he shall give bond to said marshal with sureties, to be by him approved, in the penal sum of ten thousand dollars, conditioned for the faithful discharge of his duties; and he shall also take and subscribe the same oath prescribed by law to be taken by said marshal, and said appointment, bond and oath shall be filed and remain in the office of the clerk of the supreme court of said Territory.

In actions brought against said marshal for the misfeasance or non-feasance of any deputy it shall be lawful for the plaintiff at his option, to join the said deputy and the sureties on his bond with said marshal and his sureties.

Any process either civil or criminal returnable to the supreme or district courts, may be served in any county, by the sheriff thereof or his legal deputy, and they may also serve any other process which may be authorized by act of the territorial legislature.

SEC. 2. That it shall be the duty of the United States attorney in said Territory in person or by an assistant, to attend all the courts of record having jurisdiction of offenses as well under the laws of said Territory as of the United States, and perform the duties of prosecuting officer in all criminal cases arising in said courts, and he is hereby authorized to appoint as many assistants as may be necessary, each of whom shall subscribe the same oath as is prescribed by law for said United States attorney and the said appointment and oath shall be filed and remain in the office of the clerk of the supreme court of said Territory,

The United States attorney shall be entitled to the same fees for services rendered by said assistants as he would be entitled to for the same services if rendered by himself.

The territorial legislature may provide for the election of a prosecuting attorney in any county; and such attorney, if authorized so to do by such legislature, may commence prosecutions for offenses under the laws of the Territory within such county, and if such prosecution is carried to the district court by recognizance or appeal, or otherwise may aid in conducting the prosecution in such court.

And the costs and expenses of all prosecutions for offenses against any law of the territorial legislature shall be paid out of the treasury of the Territory.

SEC. 3. That there shall be held in each year two terms of the supreme court of said Territory, and four terms of each district court, at such times as the governor of the Territory may by proclamation fix.

The district courts shall have exclusive original jurisdiction in all suits or proceedings in chancery, and in all actions at law in which the sum or value of the thing in controversy, shall be three hundred dollars or upward, and in all controversies where the title, possession, or boundaries of land, or mines or mining claims shall be in dispute, whatever their value, except in actions for forcible entry, or forcible and unlawful detainer; and they shall have jurisdiction in suits for divorce. * *

[*Omitted part superseded by 1887, March 3, ch. 397, § 19, post, p. 572.*]

Nothing in this act shall be construed to impair the authority of the probate courts to enter land in trust for the use and benefit of the occupants of towns in the various counties of the Territory of Utah according to the provisions of (1) "An act for the relief of the inhabitants of cities and towns upon public lands," approved March second, eighteen hundred and sixty-seven and "An act to amend an act entitled 'An act for the relief of the inhabitants of cities and towns upon the public lands'" approved June eighth, eighteen hundred and sixty-eight; or to discharge the duties assigned to the probate judges by an act of the legislative assembly of the Territory of Utah entitled "An act prescribing rules and regulations for the execution of the trust arising under an act of Congress entitled 'An act for the relief of the inhabitants of cities and towns upon the public lands.'" * * [Omitted part is executed.] * *

The jurisdiction heretofore conferred upon justices of the peace by the organic act of said Territory is extended to all cases where the debt or sum claimed shall be less than three hundred dollars. From all final judgments of justices of the peace an appeal shall be allowed to the district courts of their respective districts, in the same manner as is now provided by the laws of said Territory for appeals to the probate courts.

And from the judgments of the probate courts an appeal shall lie to the district court of the district embracing the county in which such probate court is held in such cases and in such manner as the supreme court of said Territory may, by general rules framed for that purpose, specify and designate, and such appeal shall vacate the judgment appealed from, and the case shall be tried de novo in the appellate court. * * [Omitted part is expired.] * *

A writ of error from the Supreme Court of the United States to the supreme court of the Territory shall lie in criminal cases, where the accused shall have been sentenced to capital punishment or convicted of bigamy or polygamy.

1885, March 3, ch. 355, *post*, p. 485. 1889, Jan. 25, ch. 113, § 6, *post*, p. 639.
1891, March 3, ch. 517, §§ 5, 15, *post*, pp. 903, 905. 93 U.S., 465. 118 U.S., 346.

Whenever the condition of the business in the district court of any district is such that the judge of the district is unable to do the same, he may request the judge of either of the other districts to assist him, and, upon such request made, the judge so requested may hold the whole or part of any term, or any branch thereof, and his acts as judge shall be of equal force as if he were duly assigned to hold the courts in such district.

SEC. 4. That within sixty days after the passage of this act, and in the month of January annually thereafter, the clerk of the district court in each judicial district, and the judge of probate of the county in which the district court is next to be held, shall prepare a jury-list from which grand and petit jurors shall be drawn, to serve in the district

Terms of supreme and district courts.

R. S., § 1916.
District courts, jurisdiction.
R. S., § 1910.

Probate courts may enter lands in trust.

R. S., §§ 2387-2394.

1877, March 3, ch. 113, *post*, p. 138.

1887, March 3, ch. 397, § 12, *post*, p. 570.

Justices of peace, jurisdiction and appeals.

1887, March 3, ch. 397, § 7, *post*, p. 569.

Appeals from justices of peace and probate courts.

Writs of error from Sup. Court.

R. S., § 702.
1882, March 22, ch. 47, *post*, p. 331.

1887, March 3, ch. 397, § 6, *post*, p. 639.

Judge of any district may have assistance of other judges.

Jury-list, how prepared, &c.

1887, March 3, ch. 397, §§ 12, 19, 24, *post*, pp. 570, 572.

98 U.S., 153.

NOTE.—(1) The provisions here referred to of the act of 1867, ch. 177 (14 Stat. L., 541), and act of 1868, ch. 53 (15 Stat. L., 87), are incorporated into Revised Statutes in the sections noted in the margin.

courts, of such district, until a new list shall be made as herein provided, Said clerk and probate judge shall alternately select the name of a male citizen of the United States who has resided in the district for the period of six months next preceding, and who can read and write in the English language; and, as selected, the name and residence of each shall be entered upon the list, until the same shall contain two hundred names, when the same shall be duly certified by such clerk and probate judge; and the same shall be filed in the office of the clerk of such district court, and a duplicate copy shall be made and certified by such officers, and filed in the office of said probate judge.

Drawing and
summoning jury.
114 U.S., 477.

Whenever a grand or petit jury is to be drawn to serve at any term of a district court, the judge of such district shall give public notice of the time and place of the drawing of such jury, which shall be at least twelve days before the commencement of such term; and on the day and at the place thus fixed, the judge of such district shall hold an open session of his court, and shall preside at the drawing of such jury; and the clerk of such court shall write the name of each person on the jury lists returned and filed in his office upon a separate slip of paper, as nearly as practicable of the same size and form, and all such slips shall, by the clerk in open court, be placed in a covered box, and thoroughly mixed and mingled; and thereupon the United States marshal, or his deputy, shall proceed to fairly draw by lot from said box such number of names as may have previously been directed by said judge; and if both a grand and petit jury are to be drawn, the grand jury shall be drawn first; and when the drawing shall have been concluded, the clerk of the district court shall issue a venire to the marshal or his deputy, directing him to summon the persons so drawn, and the same shall be duly served on each of the persons so drawn at least seven days before the commencement of the term at which they are to serve; and the jurors so drawn and summoned shall constitute the regular grand and petit juries for the term for all cases.

— names drawn
not to be returned
until, &c.

And the names thus drawn from the box by the clerk shall not be returned to or again placed in said box until a new jury-list shall be made.

— additional ju-
rors during term
time.

If during any term of the district court any additional grand or petit jurors shall be necessary, the same shall be drawn from said box by the United States marshal in open court; but if the attendance of those drawn cannot be obtained in a reasonable time, other names may be drawn in the same manner.

Challenges.
1882, March 22,
ch. 47, § 5, post,
p. 332.

Each party whether in civil or criminal cases, shall be allowed three peremptory challenges except in capital cases where the prosecution and the defense shall each be allowed fifteen challenges.

Court and not
jury to pronounce
punishment.

In criminal cases, the court, and not the jury, shall pronounce punishment under the limitation prescribed by law.

Grand jury, du-
ties and powers.

The grand jury must inquire into the case of every person imprisoned within the district on a criminal charge and not indicted; into the condition and management of the public prisons within the district; and into the willful corrupt misconduct in office of public officers of every description within the district; and they are also entitled to free access, at all reasonable times, to the public prisons, and to the examination, without charge of all public records within the district.

Notaries public
to be appointed by
governor, &c.

SEC. 5. That there shall be appointed by the governors of said Territory one or more notaries public for each organized county, whose term of office shall be two years, and until their successors shall be appointed and qualified.

Approval of Ter-
ritorial act in part.

The act of the legislative assembly of the Territory of Utah entitled "An act concerning notaries public" approved January seventeenth, eighteen hundred and sixty-six, is hereby approved, except the first section thereof, which is hereby disapproved: *Provided*, That

wherever, in said act, the words "probate judge" or "clerk of the probate court" are used, the words "secretary of the Territory" shall be substituted.

SEC. 6. That the supreme court of said Territory is hereby authorized to appoint commissioners of said court, who shall have and exercise all the duties of commissioners of the circuit courts of the United States, and to take acknowledgments of bail; and, in addition, they shall have the same authority as examining and committing magistrates in all cases arising under the laws of said Territory as is now possessed by justices of the peace in said Territory.

SEC. 7. That the act of the territorial legislature of the Territory of Utah entitled "An act in relation to marshals and attorneys," approved March third, eighteen hundred and fifty-two, and all laws of said Territory inconsistent with the provisions of this act, are hereby disapproved.

The act of the Congress of the United States entitled (2) "An act to regulate the fees and costs to be allowed clerks, marshals, and attorneys of the circuit and district courts of the United States, and for other purposes," approved February twenty-sixth, eighteen hundred and fifty-three, is extended over and shall apply to the fees of like officers in said Territory of Utah.

But the district attorney shall not by fees and salary together receive more than thirty-five hundred dollars per year; and all fees or moneys received by him above said amount shall be paid into the Treasury of the United States. [June 23, 1874.]

NOTE.—(2) The act here referred to, 1853, ch. 80 (10 Stat. L., 161), is incorporated into Revised Statutes in the sections noted in the margin.

CHAP. 476.—An act to authorize the Secretary of the Treasury to suspend work upon the public buildings.

Be it enacted, &c., [Part omitted has expired], That all moneys heretofore appropriated for the construction of public buildings and now remaining to the credit of the same on the books of the Treasury Department, or which may hereafter be appropriated for such buildings, shall remain available until the completion of the work for which they are, or may be, appropriated;

And upon the final completion of each or any of said buildings, and the payment of all outstanding liabilities therefor, the balance or balances remaining shall be immediately covered into the Treasury.

SEC. 2. That in the selection of a site for any public building not yet commenced, reference shall be had to the interest and convenience of the public, as well as to the best interests of the Government; and the Secretary of the Treasury shall have power, and it shall be his duty, to set aside any selection which in his opinion has not been made solely with reference thereto.

No expenditure shall be made upon any building, a site for which has been selected, and work upon which has not been commenced, until such of the persons who acted as commissioners in selecting such site shall make and file with the Secretary of the Treasury an oath or affirmation that he is not at the time of making the affidavit, and was not at the date of making the selection of such site, directly or indirectly interested in the property selected for the same, and a similar affidavit shall be made and filed by each and every person hereafter appointed as such commissioner, before any site shall be finally adopted. In either case a failure on the part of any commissioner to make and file such an affidavit shall render the selection void. [June 23, 1874.]

Commissioners of court, how appointed.

R. S., §§ 629, 727, 728, 945, 1014, 1042, 1778, 1982—1987, 3462, 4079—4081, 4546, 5270, 5271, 5296.

1887, March 3, ch. 397, § 7, *post*, p. 569.

Territorial act disapproved.

Fees of clerks, marshals, and attorneys.

R. S., §§ 823—856, 983, 984, 1883.

District attorney's salary limited.

R. S., § 1881.

June 23, 1874.

18 Stat. L., 275.

Appropriations for public buildings available until completion.

1874, June 20, ch. 328, § 5, *ante*, p. 18. 1882, Aug. 7, ch. 433,

par. 1, *post*, p. 380. — balances to be covered into Treasury.

Selection of sites for public buildings.

R. S., § 3734.

1875, Mar. 3, ch. 130, par. 14, and note 7, *post*, p. 74.

— commissioners for, to file certain affidavits before expenditure of money, and on failure, selection void.

June 23, 1874.

CHAP. 480.—An act regulating gas-works. (1)

18 Stat. L., 277.
Standard power and purity of gas in District of Columbia, &c.

Penalty for supplying gas of less power, &c.

Inspector of gas and meters to be appointed; his salary and duties.

Assistant inspector.

Laboratory for inspectors to be provided by Washington Gas-Light Company.

Companies and persons furnishing gas may be represented at each testing.

Inspection, record and publication.

Be it enacted, &c., That from and after the thirtieth day of June, eighteen hundred and seventy-four, the illuminating power of the gas furnished by any gas-light company, person, or persons, in the District of Columbia, shall be equal to sixteen candles by the Bunsen photometer, using the English parliamentary standard Argand-burner, having fifteen holes and a seven-inch chimney, consuming five cubic feet of gas per hour, and such gas shall not contain more than twenty grains of sulphur in any form in one hundred cubic feet, nor more than five grains of ammonia in any form in one hundred cubic feet.

When the illuminating gas supplied by any company, person, or persons in the District of Columbia, shall at any one time be of less illuminating power or of less purity than according to the standard just heretofore given, it shall be so reported by the inspector of gas and meters to the company, person, or persons supplying the same, who shall be subject to a penalty of one hundred dollars, to be recovered before the proper tribunal and paid into the treasury of the District of Columbia aforesaid, for each and every day during which such violation shall continue:

Provided, however, That if it shall appear that such deviation from the above-named standards could not have been prevented by ordinary care and prudence, but was occasioned by some unavoidable cause, then the said penalty shall not be enforced.

SEC. 2. That a suitable and impartial person, competent as a chemist, who is not a stockholder or employee in any gas-works, shall be appointed by the President of the United States, by and with the advice and consent of the Senate to be designated and known as inspector of gas and meters, whose compensation shall be a salary of two thousand dollars per annum, and whose duties shall be to test and determine the illuminating power and purity of the gas furnished by any company, person, or persons in the District of Columbia; and to test, prove, and seal all meters that may be hereafter used by them;

And that a suitable person, who shall be a gas-fitter by trade, shall be appointed by the President, as aforesaid, on the recommendation of the inspector of gas and meters, as an assistant inspector, at a salary of one thousand dollars per annum, who shall assist in the duties specified under the direction of the inspector of gas and meters. (2)

SEC. 3. That a laboratory shall be provided and fitted up by the Washington Gas-Light Company, subject to the approval of the inspector, in the central part of the city of Washington, at a distance as near as may be, of two thousand feet from any gas-works, and furnished with suitable apparatus for the transaction of the business of the inspector and assistant inspector, for which it is intended, and the laboratory shall be kept open on all business-days between the hours of eight o'clock in the forenoon and five o'clock in the afternoon:

Provided, That the cost of fitting up said laboratory shall be paid for by each Gas Company in the District of Columbia in proportion to their sale of gas for the year eighteen hundred and seventy-three.

SEC. 4. That the company, person or persons furnishing the gas may, if they see fit, on each occasion of the testing of the gas by the inspector or assistant inspector, be represented by some officer, but such officer shall not interfere in the testing.

SEC. 5. That daily inspections, Sundays excepted, shall be made in conformity to the intent of this act between the hours of five and eleven o'clock in the afternoon, and a record shall be kept of each inspection, giving the illuminating power and purity, which shall be open to the public, and a copy of the daily inspection shall be

NOTES.—(1) Expenses of gas inspection to be a charge upon the District, 1878, June 20, ch. 350, par. 3, *post*, p. 202.

(2) Assistant inspector abolished, 1882, July 1, ch. 263, par. 1, *post*, p. 351.

furnished the following day to the company, person, or persons furnishing the gas, Saturday's inspection to be furnished on Monday, and a full report for the month to be furnished, upon request, to any daily paper printed in the city of Washington on the day of their publication, next after the twenty-fourth day of each month, to include each day's test from the date of previous publication, and giving the average illuminating power for the month.

SEC. 6. That all bills for gas furnished by any company, person, or persons shall state the average illuminating power for the month; and if the same shall fall below sixteen candles, as in this act prescribed, then the amount of the bill shall be reduced pro rata.

Bills to state power and be reduced if gas below standard.

SEC. 7. That in testing meters, the inspector or assistant inspector shall ascertain whether the meter is of proper construction, and requires only the pressure of a column of water indicated by the water-gauge, commonly used for such tests, of one-fourth of an inch high to work it, and whether it works regularly and correctly, and registers exactly the amount of gas passing through it, first, at the rate the meter is marked to supply; secondly, at one-third its rate; thirdly, at twice its rate.

Meters, how tested, &c.

The standard foot shall be one cubic foot, containing sixty-two and three hundred and twenty-one one-thousandths pounds, avoirdupois weight, of distilled water at the temperature of sixty-two degrees Fahrenheit, and with a barometrical pressure of thirty inches; and meters registering within two per centum either way of the exact number of such feet passing through them at the first-named rate, and within three per centum at the second and third rates, and no others shall be deemed accurate and be stamped by the inspector.

Standard foot, &c.

The inspector shall keep at the laboratory a correct record of all meters inspected by him, with their proof at the time of inspection, which record shall be open at all times to the public for any reasonable examination by any company, person, or persons having any interest therein.

Record of meters.

SEC. 8. That any gas-meters now in use shall be proved and tested on the written request of the consumer of gas on whose premises it may be, and in his presence, if he requires, upon the payment in advance to the inspector or assistant inspector of fifty cents for each and every meter inspected, proved, and sealed, and if any such meter, on being tested, shall be found to register inaccurately to the injury of the consumer to an extent exceeding two per centum, the fee of fifty cents shall be returned to the person applying for said inspection and be paid to the inspector by the company, person, or persons supplying the gas; and every such meter shall be considered correct, and sealed accordingly, which shall register quantities varying from the true standard measure of gas of not more than two per centum, and a record shall be kept of the same and of all fees so collected.

Meters now in use to be tested on request.

1888, July 18, ch. 676, par. 1, post, p. 597.

And all meters hereafter used by any gas-company, person, or persons shall be first inspected, proved, and sealed at the laboratory provided for by this act; and for such inspection, proving, and sealing the company, in the first instance, and thereafter the company, person, or persons applying to have the meter inspected, shall pay fifty cents for each meter, a record of which shall be kept and of the fees so collected;

Meters to be first inspected, proved, and sealed.

[Part omitted superseded by 1888, July 18, ch. 676, par. 1, post, p. 597].

SEC. 9. That each company, person, or persons manufacturing illuminating gas in the District of Columbia, shall, when required, in writing, by the inspector of gas and meters, bring to the laboratory any meter that may have been required to be inspected, proved, and sealed, and to return the same to its proper place after such inspection; and it shall not be lawful for any other party or person to remove and return meters.

Companies to remove meters for test and return same.

SEC. 10. That the inspector and assistant inspector of gas and meters shall each give bonds to the extent of double his annual salary,

Inspector and assistant to give

bond and take oath. and shall each take an oath or affirmation, before some officer legally qualified to administer the same, that he will faithfully, diligently, and impartially discharge the duties of his office.

Price for gas.
1876, July 31, ch.
246, par. 5, *post*, p.
115.

SEC. 11. That the Washington Gas-Light Company shall be authorized, on and after the passage of this act, to charge and receive for illuminating gas furnished to and paid for by the Government of the United States, at the rate of two dollars and fifty cents per one thousand cubic feet; and when furnished and paid for by other parties, or by the inhabitants of the city of Washington, at the rate of two dollars and seventy-five cents per one thousand cubic feet:

Discount for prompt payment.

Provided, That if the party or inhabitants so furnished shall pay monthly any bill within seven days after the same shall have been presented, said party shall be entitled to a discount upon the amount of such bill at the rate of twenty-five cents per one thousand cubic feet. And all laws authorizing any higher rates are hereby repealed.

1848, July 8, ch.
96, (9 Stat. L. 722,
private).

Advance or reduction of price according to price of coal.

Provided, That when the price of gas coals delivered at the works of the Washington Gas-Light Company shall advance to eight dollars and fifty cents per ton the price of gas to consumers may be advanced ten cents per thousand cubic feet and an additional ten cents per thousand feet for each additional dollar per ton that gas coals may advance in price and in like manner a reduction of ten cents per thousand feet shall be made for each and every dollar per ton that gas coals may fall in price below seven dollars per ton.

Gas-Light Company to furnish statement to Secretary of Interior.

And for that purpose the Washington Gas-Light Company shall in the month of May in each year furnish the Secretary of the Interior with a statement of all their coal contracts or purchases for the ensuing year excepting the Ritchie mineral and the Richmond coal, the cost of which shall not enter into any calculation in making an average, which statement shall be sworn to before a Justice of the Peace by their Engineer and Secretary, and the advance or reduction of price shall take place on the first of July ensuing.

Gas to be furnished to District government at same rate as to United States.

SEC. 12. That the Washington Gas-Light Company shall be authorized and required to furnish illuminating gas to the Government of the District of Columbia within the distance of fifty yards from any of their mains, on the same terms as to the Government of the United States. and in case of the non-payment of any monthly bills by the said District beyond the period of ten days from the time of presentation, the company shall be entitled to demand and receive interest thereon from date until paid.

Rate for lighting cleaning and repair, etc., of street lamps.

And the said company shall light, extinguish, keep clean, and repair the Washington City street-lamps at the uniform price of forty dollars for each lamp per annum, to burn two thousand two hundred hours per annum, with a six-foot burner on each lamp, subject to any regulation that may be prescribed by the city authorities as to the time of lighting and extinguishing the same, and any extra number of hours to be charged and paid for at the same rate: *Provided*, That the city of Washington shall furnish, when necessary, new lanterns to replace old ones, and shall furnish and pay for the reasonable expense of erecting new lamp-posts to replace such as are old, damaged, and unfit for use.

R. S. of D. C., §§
232, 234

1878, June 20, ch.
359, par. 2, *ante*, p.
202.

Stoppage of gas for non-payment of bills, and restriction on removal of meters.

SEC. 13. That if any person or persons, supplied with gas, neglect or refuse to pay the amount due for the same, such company may stop the gas from entering the premises of such person or persons. In no case shall the officers, servants, or workmen of the company remove a meter from premises supplied by the company, unless by consent of the consumer, without first giving forty-eight hours' notice in writing by leaving the same at the premises of the consumer; and said removal shall take place only between the hours of eight o'clock in the forenoon and two o'clock in the afternoon.

Act may be amended or repealed.

SEC. 14. That it shall be lawful for Congress at any time hereafter to alter, amend, or repeal this act, and all acts and parts of acts inconsistent herewith are hereby repealed.

SEC. 15. That any person who, with intent to injure or defraud any gas company in the District of Columbia, shall make or cause to be made any pipe, tube or other instrument or contrivance, or connect the same, or cause it to be connected with any main service pipe or other pipe for conducting or supplying illuminating gas in such manner as to connect with and be calculated to supply illuminating gas to any burner or orifice by which illuminating gas is consumed, around or without passing through the meter provided for the measuring and registering of the quantity of gas there consumed, shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by imprisonment not exceeding six months or by fine not exceeding two hundred and fifty dollars.

Punishment for fraudulently obtaining gas.

SEC. 16. That the price which may be charged for gas by any Gas-Light Company in the District of Columbia shall be uniform and the same to all consumers and any reduction made in the price or cost to any person or persons, except to officers of the company, shall furnish a legal right on the part of any other person or persons to demand gas at the same cost or price. [June 23, 1874.]

Price to be uniform to all consumers.

CHAP. 486.—An act to fix the salaries of the clerks at the United States armory in Springfield, Massachusetts.

June 23, 1874.

Be it enacted, &c., That on and after the passage of this act, in lieu of the compensation now allowed to the clerks at the United States armory in Springfield, Massachusetts, including fuel and quarters, there shall be paid to each of said clerks an annual salary of one thousand six hundred and fifty dollars. [June 23, 1874.]

18 Stat. L., 232.
Salaries of clerks at Springfield armory.
R. S., § 1663.

CHAP. 490.—An act to further define and enlarge the powers and duties of the Board of Health of the District of Columbia.

June 23, 1874.

Be it enacted, &c., That it shall be the duty of the Board of Health of the District of Columbia to make and enforce regulations to secure a full and correct record of vital statistics, including the registration of deaths and the interment of the dead in said District. [June 23, 1874.]

18 Stat. L., 283.
Health record of vital statistics in D. C., &c.
R. S. of D. C., §§ 72, 73.
1878, June 11, ch. 180, § 8, *post*, p. 179. 1880, April 24, Res. No. 25, § 2, par. 8, *post*, pp. 304, 310, 311.

RESOLUTIONS.

NUMBER 1.—Joint resolution providing for a change in the name and title of the agent and consul-general of the United States at Alexandria.

Jan. 8, 1874.

Resolved, &c., That the name and title of the agent and consul-general of the United States at Alexandria shall, from the passage of this joint resolution, be "agent and consul-general of the United States at Cairo." [January 8, 1874.]

18 Stat. L., 285.
Agent and consul-general at Cairo, title of.
R. S., §§ 1675-1676.

March 24, 1874.

18 Stat. L., 286.

Limitation of certain contracts of Departments to supplies of one year not to apply to mail bags, locks, postal cards, &c.
R. S., § 3735.

NUMBER 6.—Joint resolution explanatory of resolution approved January 31, 1868, entitled "A resolution limiting contracts for stationery and other supplies in the executive departments to one year.

Resolved, &c., That the resolution approved January thirty-first, eighteen hundred and sixty-eight, entitled (1) "A resolution limiting contracts for stationery and other supplies in the Executive Departments to one year," shall not be held, or construed, to apply to, or include mail-bags, mail locks and keys, postal cards, postage stamps, newspaper wrappers, or stamped envelopes. [*March 24, 1874.*]

NOTE.—(1) The resolution of 1868, No. 8 (15 Stat. L., 246), here referred to, is incorporated into Revised Statutes, § 3735.

June 20, 1874.

18 Stat. L., 288.

Public Printer to keep and report to Congress separate account of expense of Congressional Record.
R. S., §§ 78, 3760.

NUMBER 12.—Joint resolution directing the Public Printer to keep an account of all expenditures for printing, mailing, and binding the Congressional Records, &c. (1)

Resolved, &c., That the Congressional Printer be, and he is hereby, directed to keep a separate and exact account in detail of all expenditures for printing, mailing, and binding the Congressional Records, including specific statements of the cost of all machinery and material which may have been or shall be used for the publication of said Record, commencing with its first publication at the Government Printing Office; and that he shall publish the amounts thus yearly expended, in his next succeeding annual report, and each succeeding report, separately from the other disbursements of his office. [*June 20, 1874.*]

NOTE.—(1) The following statutes relate to the Congressional Record:

R. S., § 78, provides that until a contract is made, the debates of Congress shall be published by the Congressional Printer (afterward Public Printer, 1876, July 31, ch. 246, par. 1, *post*, p. 114) under the direction of the Joint Committee on Public Printing on the part of the Senate and House of Representatives (1874, Jan. 22, ch. 14, *ante*, p. 2).

By 1874, June 23, ch. 456, § 13, *ante*, p. 45, the postage on each copy of the Congressional Record mailed from Washington is fixed at one cent, and by 1875, March 3, ch. 128, § 5, *post*, p. 70, the Record, or any part thereof, is to pass free through the mails under the frank of a member of Congress.

By the above law separate accounts of expenditures are to be kept;

By 1875, March 3, ch. 129, par. 3, *post*, p. 71, the Public Printer is authorized to print extracts from the Record for Senators and Representatives;

By R. S., § 4887, 1851, Feb. 8, ch. 35, *post*, p. 315, 1881, Jan. 27, Res. No. 3, *post*, p. 328, 1882, Aug. 2, Res. No. 61, *post*, p. 387, 1886, July 28, Res. No. 26, *post*, p. 516, provisions are made for distribution in various directions. See complete note on this subject, to 1884, March 31, ch. 18, *post*, pp. 423, 424;

By 1883, Mar. 3, Res. No. 24, *post*, p. 422, the current numbers may be printed for sale; by 1884, Mar. 31, ch. 18, *post*, p. 423, the indexing of the Record is directed and regulated;

By 1886, June 30, ch. 572, *post*, p. 499, employes of the Government Printing Office, on the Record, are allowed *pro rata* leave of absence.

FORTY-THIRD CONGRESS—SECOND SESSION,

IN

THE YEARS 1874-1875.

CHAP. 9.—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.

Dec. 28, 1874.

Be it enacted, &c., That the certificate to the printed volume of the Revised Statutes of the United States required by section two of "An act providing for publication of the Revised Statutes and laws of the United States", approved June twentieth, eighteen hundred and seventy-four, shall be made by the Secretary of State under the seal of the Department of State,

18 Stat. L., 293.

Certificate to Revised Statutes, 1st edition.

1874, June 20, ch. 333, § 2, *ante*, p. 20.

1890, April 9, ch. 73 and note, *post*, p. 712.

15 Ct. Cls., 86. —not to be under seal of U. S.

Bills, orders, resolutions, and votes of Congress which become laws to be preserved by Secretary of State.

Substitute for R. S., § 204.

15 Ct. Cls., 86.

And so much of said section as provides that such certificate shall be under the seal of the United States, is hereby repealed.

SEC. 2. That section number two hundred and four of the revised statutes of the United States shall hereafter read as follows: (1)

Whenever a bill, order, resolution or vote of the Senate and House of Representatives, having been approved 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 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 he shall carefully preserve the originals. [December 28, 1874.]

NOTE.—(1) This amendment is incorporated in second edition of Revised Statutes, § 204.

CHAP. 13.—An act to create an additional land-district in the State of Oregon, to be called the Dalles land-district.

Jan. 11, 1875.

18 Stat. L., 294.

The Dalles land-district, in Oregon, established.

R. S., § 2256.

1888, May 21, ch. 297, *post*, p. 587

Be it enacted, &c., That the President of the United States be, and he is hereby, authorized to establish an additional land-district in the State of Oregon, which district shall be bounded as follows, viz:

Commencing on the Columbia River at the intersection of the range-line, between ranges eight and nine east, thence south on said range-line to the fourth standard parallel, which is the north boundary of the Linkton land-district; thence east on said parallel to range twenty-seven east; thence north on range-line between ranges twenty-six and twenty-seven to the Columbia River; thence down said river to the place of beginning, comprising all that land in Oregon situate north of the Linkton land-district and between ranges eight and twenty-seven east of the Willamette meridian.

Land-office at The Dalles, but may be changed by President.

Said district, as above bounded, shall be known and designated as The Dalles district; and the office of said district shall be located at the city of The Dalles, or such place as the President shall direct, in the State of Oregon; and the President of the United States shall have power to change the location of said land-office, in said State, from time to time, as the public interests may seem to require.

Register and receiver.
R. S., § 2234.

SEC. 2. That the President is hereby authorized to appoint, by and with the advice and consent of the Senate, or during the recess thereof, a register and a receiver for the district hereby created, who shall each reside in the place where said land-office is located, and shall have the same powers, responsibilities, and emoluments, and be subject to the same acts and penalties, which are, or may be, prescribed by law in relation to other land-officers in said State.

Lands subject to disposal under public land laws.

SEC. 3. That the public lands in said district shall be subject to sale and disposal upon the same terms and conditions as other public lands of the United States. * * * [Words omitted relate to entries already made.] [January 11, 1875.]

Jan. 14, 1875.

CHAP. 15. —An act to provide for the resumption of specie payments.

18 Stat. L., 296.
Silver coins in place of fractional currency.

R. S., §§ 3513-3517, 3572-3578.

1876, April 17, ch. 63; July 22, Res. No. 17; post, pp. 98, 124.

1879, June 9, ch. 12, post, p. 264.

Be it enacted, &c., That the Secretary of the Treasury is hereby authorized and required, as rapidly as practicable, to cause to be coined at the mints of the United States, (1) silver coins of the denominations of ten, twenty-five, and fifty cents, of standard value, and to issue them in redemption of an equal number and amount of fractional currency of similar denominations, or, at his discretion, he may issue such silver coins through the mints, the subtreasuries, public depositaries, and post-offices of the United States; and, upon such issue, he is hereby authorized and required to redeem an equal amount of such fractional currency, until the whole amount of such fractional currency outstanding shall be redeemed.

Charge for coining gold repealed.
R. S., § 3524.

SEC. 2. That so much of section three thousand five hundred and twenty-four of the Revised Statutes of the United States as provides for a charge of one-fifth of one per centum for converting standard gold bullion into coin is hereby repealed, and hereafter no charge shall be made for that service.

Aggregate circulation of national banks not limited; repealing.

R. S., §§ 5177-5180.

1874, June 20, ch. 343, §§ 7-9 (18 Stat. L., 124).

SEC. 3. That section five thousand one hundred and seventy-seven of the Revised Statutes of the United States, limiting the aggregate amount of circulating-notes of national banking-associations, be, and is hereby, repealed; and each existing banking-association may increase its circulating-notes in accordance with existing law without respect to said aggregate limit; and new banking-associations may be organized in accordance with existing law without respect to said aggregate limit; and the provisions of law for the withdrawal and redistribution of national-bank currency among the several States and Territories are hereby repealed. * * * [Omitted lines repealed, 1878, May 31, ch. 146, post, p. 166.]

Resumption of specie payment Jan. 1, 1879.

1878, May 31, ch. 146, post, p. 166.

1887, March 3, ch. 378, § 2, post, p. 566.

And on and after the first day of January, anno Domini eighteen hundred and seventy-nine, the Secretary of the Treasury shall redeem in coin, the United States legal-tender notes then outstanding on their presentation for redemption, at the office of the assistant treasurer of the United States in the city of New York, in sums of not less than fifty dollars.

Sale of bonds to provide for redemption.

1870, ch. 256, (16 Stat. L., 272).

15 Opins., 359.

And to enable the Secretary of the Treasury to prepare and provide for the redemption in this act authorized or required, he is authorized to use any surplus revenues, from time to time, in the Treasury not otherwise appropriated, and to issue, sell, and dispose of, at not less than par, in coin, either of the descriptions of bonds of the United States described in the act of Congress approved July fourteenth, eighteen hundred and seventy, entitled "An act to

NOTE.—(1) See note upon silver-coinage laws, to 1890, July 14, ch. 708, post, p. 774.

authorize the refunding of the national debt," with like qualities, privileges, and exemptions, to the extent necessary to carry this act into full effect, and to use the proceeds thereof for the purposes aforesaid.

And all provisions of laws inconsistent with the provisions of this act are hereby repealed. [January 14, 1875.] Repeal.

CHAP. 18.—An act making appropriations for the naval service for the year ending June thirtieth, eighteen hundred and seventy-six, and for other purposes.

Jan. 18, 1875.

18 Stat. L., 297.

Be it enacted, &c., * * * For expenses and transportation of officers traveling under orders, * * * *Provided,* That no allowance shall be made in the settlement of any account for traveling expenses unless the same be incurred on the order of the Secretary of the Navy, or the allowance be approved by him. * * * [January 18, 1875.]

Navy officers' traveling expenses to be approved by Secretary. 1875, March 3, ch. 133, par. 1, and note, *post*, p. 81. 1876, June 30, ch. 159, par. 1, *post*, p. 109. 1882, Aug. 5, ch. 391, par. 5, *post*, p. 377.

CHAP. 19.—An act to remove the limitation restricting the circulation of banking-associations issuing notes payable in gold.

Jan. 19, 1875.

18 Stat. L., 302.

Be it enacted, &c., That so much of section five thousand one hundred and eighty-five of the Revised Statutes of the United States as limits the circulation of banking-associations, organized for the purpose of issuing notes payable in gold, severally to one million dollars, be, and the same is hereby, repealed; and each of such existing banking-associations may increase its circulating-notes, and new banking-associations may be organized, in accordance with existing law, without respect to such limitation. [January 19, 1875.]

Limit of circulation of banks issuing gold notes repealed. R. S., § 5185.

CHAP. 22.—An act declaratory of the act entitled "An act to amend the customs-revenue laws, and to repeal moieties," approved June twenty-second, eighteen hundred and seventy-four.

Jan. 22, 1875.

18 Stat. L., 303.

Be it enacted, &c., That nothing in the nineteenth section of the act entitled "An act to amend the customs-revenue laws, and to repeal moieties," approved June twenty-second, eighteen hundred and seventy-four, shall be construed to affect any authority, power, or right which might theretofore have been lawfully exercised by any court, judge, or district attorney of the United States to obtain the testimony of an accomplice in any crime against, or fraud upon the customs-revenue laws, on any trial or proceeding for a fine, penalty, or forfeiture under said laws, by a discontinuance or dismissal, or by an engagement to discontinue or dismiss any proceedings against such accomplice. [January 22, 1875.]

Judges and district attorneys not liable to penalty for discontinuing, &c., proceedings to obtain testimony of accomplices in crimes. R. S., § 5292. 1874, June 22, ch. 391, § 19, *ante*, p. 35.

CHAP. 29.—An act to constitute Patchogue on the south side of Long Island, in the State of New York, a port of delivery.

Jan. 29, 1875.

18 Stat. L., 304.

Be it enacted, &c., That the village of Patchogue, on the south side of Long Island, State of New York, shall be, and the same is hereby, made a port of delivery within the collection district of the port of New York, and shall be subject to the same regulations as other ports of delivery in the United States;

Patchogue, Long Island, N. Y., to be a port of delivery. R. S., § 2535, par. 2.

Surveyor to be appointed, who may enroll vessels, &c.

R. S., § 2536, par. 2.
R. S., § 4320.

1886, June 19,
ch. 421, § 1, *post*,
p. 492.

That a surveyor be appointed by the President, with the advice and consent of the Senate, to reside at the said port of Patchogue, who shall have the power to enroll and license vessels to be employed in the coasting trade and fisheries, under such regulations as the Secretary of the Treasury may deem necessary, and who shall give the usual bond, perform the usual duties in the manner prescribed, and receive the fees he may be entitled to by law as allowed to surveyors for the same duties, and no more. [*January 29, 1875.*]

Feb. 8, 1875.

CHAP. 36.—An act to amend existing customs and internal-revenue laws, and for other purposes.

18 Stat. L., 307.

Be it enacted, &c., [Sections 1-10 superseded, 1890, Oct. 1, ch. 1244, §§ 1, 2, post, pp. 812-856.]

Oaths of subordinate customs-officers, before whom and how taken.

R. S., § 2616.

SEC. 11. That the oaths now required to be taken by subordinate officers of the customs may be taken before the collector of the customs in the district in which they are appointed, or before any officer authorized to administer oaths generally; and the oaths shall be taken in duplicate, one copy to be transmitted to the Commissioner of Customs, and the other to be filed with the collector of customs for the district in which the officer appointed acts.

Penalty.

And in default of taking such oath, or transmitting a certificate thereof, or filing the same with the collector, the party failing shall forfeit and pay the sum of two hundred dollars, to be recovered, with cost of suit, in any court of competent jurisdiction, to the use of the United States.

INTERNAL REVENUE.

SECS. 12, 13. [*Superseded, 1879, March 1, ch. 125, § 2, post, pp. 224, 225.*]

SECS. 14, 15. [*Superseded, 1883, March 3, ch. 121, post, p. 404.*]

Rectifiers, liquor-dealers, &c., carrying on business without paying special tax, &c.

—penalty.

R. S., § 3242.

SEC. 16. That any person who shall carry on the business of a rectifier, wholesale liquor-dealer, retail liquor-dealer, wholesale dealer in malt-liquors, retail dealer in malt-liquors, or manufacturer of stills, without having paid the special tax as required by law, or who shall carry on the business of a distiller without having given bond as required by law, or who shall engage in or carry on the business of a distiller with intent to defraud the United States of the tax on the spirits distilled by him, or any part thereof, shall, for every such offense be find not less than one hundred dollars nor more than five thousand dollars and imprisoned not less than thirty days nor more than two years.

—spirits, stills, &c., in such case forfeited.

R. S., § 3242.

And all distilled spirits or wines, and all stills or other apparatus, fit or intending (1) 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 rectifying establishment, or in any building, room, yard, inclosures 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 enclosure, 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 enclosure, 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 suf-

ferred or permitted such premises to be used for such ingress or egress, shall be forfeited to the United States.

SEC. 17. That if any person shall affix, or cause to be affixed, to or upon any cask or package containing, or intended to contain, distilled spirits, any imitation stamp, or other engraved, printed, stamped, or photographed label, device, or token, whether the same be designed as a trade mark, caution notice, caution, or otherwise, and which shall be in the similitude or likeness of, or shall have the resemblance or general appearance of, any internal revenue stamp required by law to be affixed to or upon any cask or package containing distilled spirits, he shall, for each offense, be liable to a penalty of one hundred dollars, and, on conviction, shall be fined not more than one thousand dollars, and imprisoned not more than three years, and the cask or package with its contents shall be forfeited to the United States.

SEC. 18. [*Superseded*, 1879, *March 1, ch. 125, § 4, post, p. 229.*]

SEC. 19. That every person, firm, association other than national bank associations, and every corporation, State bank, or State banking association, shall pay a tax of ten per centum on the amount of their own notes used for circulation and paid out by them.

SEC. 20. That every such person, firm, association, corporation, State bank, or State banking association, and also every national banking association, shall pay a like tax of ten per centum on the amount of notes of any person, firm, association other than a national banking association, or of any corporation, State bank, or State banking association, or of any town, city, or municipal corporation, used for circulation and paid out by them.

SEC. 21. That the amount of such circulating notes, and of the tax due thereon, shall be returned, and the tax paid at the same time, and in the same manner, and with like penalties for failure to return and pay the same, as provided by law for the return and payment of taxes on deposits, capital, and circulation, imposed by the existing provisions of internal revenue law.

SEC. 22. [*Superseded*, 1883, *March 3, ch. 121, post, p. 404.*]

SEC. 23. That all acts and parts of acts imposing fines, penalties, or other punishment for offenses committed by an internal revenue officer or other officer of the Department of the Treasury of the United States, or under any bureau thereof, shall be, and are hereby, applied to all persons whomsoever, employed, appointed, or acting under the authority of any internal revenue or customs law, or any revenue provision of any law of the United States, when such persons are designated or acting as officers or deputies, or persons having the custody or disposition of any public money.

SEC. 24. That whenever any manufacturer of tobacco shall desire to withdraw the same from his factory for exportation under existing laws, such manufacturer may, at his option, in lieu of executing an export bond, as now provided by law, give a transportation bond, with sureties satisfactory to the collector of internal revenue, and under such rules and regulations as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may prescribe, conditioned for the due delivery thereof on board ship at a port of exportation to be named therein; and in such case, on arrival of the tobacco at the port of export, the exporter or owner at that port shall immediately notify the collector of the port of the fact, setting forth his intention to export the same, the name of the vessel upon which the same is to be laden, and the port to which it is intended to be exported.

He shall, after the quantity and description of tobacco have been verified by the inspector, file with the collector of the port an export entry verified by affidavit.

Affixing imitation stamps on packages of distilled spirits; penalty.

R. S., § 3326.
1879, Mar. 1, ch. 125, § 17, *amending* R. S., § 3429, *post*, p. 242.

Tax on corporation and State bank notes for circulation.

R. S., §§ 3412, 3413.

1875, March 3, ch. 167, *post*, p. 96.
16 Fed. Rep., 369.
25 Fed. Rep., 138.
111 U. S., 63.
16 Opins., 341.

§ 22, *post*, p. 242.
Returns of amount of notes used or paid out to be made.

R. S., §§ 3414, 3415.

16 Opins., 341.

Penalties on internal-revenue officers; to what officers to apply.

R. S., §§ 3158, 3169, 3316.

Manufacturers of tobacco removing same for export may give transportation bond instead of export bond.

R. S., §§ 3001, 3385, 3386.

1879, March 1, ch. 125, § 16, *post*, p. 240.

1882, Aug. 8, ch. 468, *post*, p. 385.

1883, Jan. 13, ch. 24, *post*, p. 391.

1886, Aug. 4, ch. 890, § 1, *post*, p. 511.

—to file export entry.

—to give bond to export.

He shall also give bond to the United States, with at least two sureties, satisfactory to the collector of customs, conditioned that the principal named in said bond will export the tobacco as specified in said entry, to the port designated in said entry, or to some other port without the jurisdiction of the United States.

Collector of port to transmit clearance certificate, &c., to collector of internal revenue, &c.

And upon the lading of such tobacco, the collector of the port, after proper bonds for the exportation of the same have been completed by the exporter or owner at the port of shipment thereof, shall transmit to the collector of internal revenue of the district from which the said tobacco was withdrawn for exportation, a clearance certificate and a detailed report of the inspector; which report shall show the quantity and description of manufactured tobacco, and the marks thereof.

Cancellation of transportation bond.

Upon the receipt of the certificate and report, and upon payment of tax on deficiency, if any, the collector of internal revenue shall cancel the transportation bond.

—of export bond.

The bonds required to be given for the landing at a foreign port of such manufactured tobacco shall be canceled upon the presentation of satisfactory proof and certificates that said tobacco has been landed at the port of destination named in the bill of lading, or any other port without the jurisdiction of the United States, or upon satisfactory proof that after shipment the same was lost at sea without fault or neglect of the owner or exporter thereof.

Fraudulently claiming drawback on manufactured tobacco; how punished.

R. S., § 3386.
1879, March 1,
ch. 125, § 16, *post*,
p. 240.

SEC. 25. That if any person or persons shall fraudulently claim or seek to obtain an allowance or drawback of duties on any manufactured tobacco, or shall fraudulently claim any greater allowance or drawback thereon than the duty actually paid, such person or persons 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, to be recovered as in other cases of forfeiture provided for in the internal revenue laws.

SEC. 26. [*Expired.*] [*February 8, 1875.*]

Feb. 11, 1875.

18 Stat. L., 315.

Moneys expended on tunnels for mining purposes to be deemed expended on lode.

R. S., § 2324.
111 U. S., 355.

CHAP. 41.—An act to amend section two thousand three hundred and twenty-four of the revised statutes, relating to the development of the mining-resources of the United States.

Be it enacted, &c., (1) That section two thousand three hundred and twenty-four of the revised statutes, be, and the same is hereby, amended so that where a person or company has or may run a tunnel for the purposes of developing a lode or lodes, owned by said person or company, the money so expended in said tunnel shall be taken and considered as expended on said lode or lodes, whether located prior to or since the passage of said act; and such person or company shall not be required to perform work on the surface of said lode or lodes in order to hold the same as required by said act. [*February 11, 1875.*]

NOTE.—(1) This act is incorporated in the second edition of the Revised Statutes at the end of, § 2324.

Feb. 16, 1875.

18 Stat. L., 315.

In admiralty cases court to find facts and law separately.

R. S., § 631.
98 U. S., 440. 102
U. S., 218.

CHAP. 77.—An act to facilitate the disposition of cases in the Supreme Court of the United States, and for other purposes.

Be it enacted, &c., That the circuit courts of the United States, in deciding causes of admiralty and maritime jurisdiction on the instance-side of the court, shall find the facts and the conclusions of law upon which it renders its judgments or decrees, and shall state the facts and conclusions of law separately.

And in finding the facts, as before provided, said court may, upon the consent of the parties who shall have appeared and put any matter of fact in issue, and subject to such general rules in the premises as shall be made and provided from time to time, impanel a jury of not less than five and not more than twelve persons, to whom shall be submitted the issues of fact in such cause, under the direction of the court, as in cases at common law.

And the finding of such jury, unless set aside for lawful cause, shall be entered of record, and stand as the finding of the court, upon which judgment shall be entered according to law.

The review of the judgments and decrees entered upon such findings by the Supreme Court, upon appeal, shall be limited to a determination of the questions of law arising upon the record, and to such rulings of the circuit court, excepted to at the time, as may be presented by a bill of exceptions, prepared as in actions at law.

SEC. 2. That said courts, when sitting in equity for the trial of patent causes, may impanel a jury of not less than five and not more than twelve persons, subject to such general rules in the premises as may, from time to time, be made by the Supreme Court, and submit to them such questions of fact arising in such cause as such circuit court shall deem expedient;

And the verdict of such jury shall be treated and proceeded upon in the same manner and with the same effect as in the case of issues sent from chancery to a court of law and returned with such findings.

SEC. 3. [*Expressly repealed by 191, March 3, ch. 517, § 14, post, p. 905.*]

SEC. 4. That this act shall take effect on the first day of May, eighteen hundred and seventy-five. [*February 16, 1875.*]

When jury may try issues of fact.
103 U. S., 730;
104 U. S., 183, 185;
105 U. S., 271; 107
U. S., 485, 512; 108
U. S., 353; 115 U.
S., 363; 121 U. S.,
73; 123 U. S., 352;
127 U. S., 212; 129
U. S., 435.

—review by Supreme Court.

R. S., § 693.
1891, March 3,
ch. 517, § 6, *post*,
p. 903.

105 U. S., 381.
In patent cases,
circuit court may
submit questions
of fact to jury.
R. S., § 629, par. 9.
101 U. S., 247.

When act takes effect.

CHAP. 80.—An act to correct errors and to supply omissions in the Revised Statutes of the United States. (1)

Feb. 18, 1875.

13 Stat. L., 316.

NOTE.—(1) All the changes made by this act have been incorporated into the second edition of the Revised Statutes in the proper places, and it is therefore here omitted. See 15 C. Cls., 80, 453.

CHAP. 84.—An act providing for the distribution of the Revised Statutes of the United States.

Feb. 18, 1875.

18 Stat. L., 329.

Be it enacted, &c. [Section 1 is executed.]

SEC. 2. That the Secretary of State is hereby authorized to make arrangement with persons engaged in the business of selling books, to keep on sale the Revised Statutes of the United States;

But in any such arrangement it shall be provided that the same be sold at the Government price to all purchasers, and the Secretary may allow to any such person keeping the Revised Statutes for sale, such part of the ten per cent. above the actual cost, as he may deem just and reasonable. [*February 18, 1875.*]

Revised Statutes
to be kept for sale.
1874, June 20,
ch. 333, § 9, *ante*,
p. 22.

1875, March 3,
ch. 130, § 9, *post*,
p. 77.

CHAP. 89.—An act to amend section five thousand two hundred and forty of the Revised Statutes of the United States, in relation to the compensation of national-bank examiners.

Feb. 19, 1875.

18 Stat. L., 329.

Be it enacted, &c., That section five thousand two hundred and forty of the Revised Statutes of the United States be so amended that the latter clause of said section, after the word "Comptroller"

Occasional ex-
aminers of national
banks; compensation.

R. S., §5240.

in the eighth line of said section, be amended so that the same shall read as follows, namely: (1)

“That all persons appointed to be examiners of national banks not located in the redemption-cities specified in section five thousand one hundred and ninety-two of the Revised Statutes of the United States, or in any one of the States of Oregon, California, and Nevada, or in the Territories, shall receive compensation for such examinations as follows:

For examining national banks having a capital less than one hundred thousand dollars, twenty dollars;

Those having a capital of one hundred thousand dollars and less than three hundred thousand dollars, twenty-five dollars;

Those having a capital of three hundred thousand dollars and less than four hundred thousand dollars, thirty-five dollars;

Those having a capital of four hundred thousand dollars and less than five hundred thousand dollars, forty dollars;

Those having a capital of five hundred thousand dollars and less than six hundred thousand dollars, fifty dollars;

Those having a capital of six hundred thousand dollars and over, seventy-five dollars;

Which amounts shall be assessed by the Comptroller of the Currency upon, and paid by, the respective associations so examined;

And shall be in lieu of the compensation and mileage heretofore allowed for making said examinations,

And persons appointed to make examination of national banks in the cities named in section five thousand one hundred and ninety-two of the Revised Statutes of the United States, (2) or in any one of the States of Oregon, California, and Nevada, or in the Territories, shall receive such compensation as may be fixed by the Secretary of the Treasury upon the recommendation of the Comptroller of the Currency; and the same shall be assessed and paid in the manner hereinafter provided.” [February 19, 1875.]

NOTES.—(1) This amendment has been incorporated into the second edition of the Revised Statutes, in § 5240.

(2) The cities named in the section here referred to are Albany, Baltimore, Boston, Charleston, Chicago, Cincinnati, Cleveland, Detroit, Louisville, Milwaukee, New Orleans, New York, Philadelphia, Pittsburgh, Richmond, Saint Louis, San Francisco, and Washington.

Feb. 20, 1875.

18 Stat. L., 332.

CHAP. 94.—An act to amend an act entitled “An act for the government of the District of Columbia, and for other purposes”, approved June twentieth, eighteen hundred and seventy-four.

District of Columbia.

Faith of United States pledged to payment of certain bonds.

1874, June 20, ch. 337, § 7, *ante*, p. 24.
1879, March 3, ch. 182, § 3, *par. 4, post*, p. 253.

14 Opins., 445, 544.

15 Opins., 56.

Registered may be issued for coupon bonds.

1875, March 3, ch. 162, *post*, p. 95.

Be it enacted, &c., That the seventh section of the act of Congress entitled “An act for the government of the District of Columbia, and for other purposes”, approved June twentieth, eighteen hundred and seventy-four, be, and the same is hereby, amended by inserting the words “do so” after the fortieth word following the first period in said section, so that it will read: “And the faith of the United States is hereby pledged that the United States will, by proper proportional appropriations as contemplated in this act, and by causing to be levied upon the property within said District such taxes as will do so, provide the revenues necessary to pay the interest on said bonds as the same may become due and payable, and create a sinking fund for the payment of the principal thereof at maturity”:

Provided That registered bonds may be issued in lieu of coupon bonds as provided in said act or exchanged for coupon bonds already issued, and the interest of all said bonds shall be payable at the Treasury of the United States. [February 20, 1875.]

CHAP. 95.—An act regulating fees and costs and for other purposes.

Be it enacted, &c., That before any bill of costs shall be taxed by any judge or other officer, or any account payable out of the money of the United States shall be allowed by any officer of the Treasury, in favor of clerks, marshals, or district attorneys, the party claiming such account shall render the same, with the vouchers and items thereof, to a United States circuit or district court, and, in the presence of the district attorney or his sworn assistant, whose presence shall be noted on the record, prove in open court, to the satisfaction of the court, by his own oath or that of other persons having knowledge of the facts, to be attached to such account, that the services therein charged have been actually and necessarily performed as therein stated; and that the disbursements charged have been fully paid in lawful money; and the court shall thereupon cause to be entered of record an order approving or disapproving the account, as may be according to law, and just.

United States commissioners shall forward their accounts, duly verified by oath, to the district attorneys of their respective districts, by whom they shall be submitted for approval in open court, and the court shall pass upon the same in the manner aforesaid.

Accounts and vouchers of clerks, marshals, and district attorneys shall be made in duplicate, to be marked respectively "original" and "duplicate".

And it shall be the duty of the clerk to forward the original accounts and vouchers of the officers above specified, when approved, to the proper accounting officers of the Treasury, and to retain in his office the duplicates, where they shall be open to public inspection at all times.

Nothing contained in this act shall be deemed in any wise to diminish or affect the right of revision of the accounts to which this act applies by the accounting officers of the Treasury, as exercised under the laws now in force.

SEC. 2. That whenever the business of the courts in any judicial district shall make it necessary, in the opinion of the Attorney General, for the clerk or marshal to furnish greater security than the official bond now required by law, a bond in a sum not to exceed forty thousand dollars shall be given when required by the Attorney General, who shall fix the amount thereof.

SEC. 3. That the clerks of the Supreme Court and the circuit and district courts, respectively, shall each, before he enters upon the execution of his office, give bond, with sufficient sureties, to be approved by the court for which he is appointed, to the United States, in the sum of not less than five, and not more than twenty thousand dollars, to be determined and regulated by the Attorney-General of the United States, 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 it shall be the duty of the district attorneys of the United States, upon requirement by the Attorney General, to give thirty days notice of motion in their several courts that new bonds, in accordance with the terms of this act, are required to be executed; and upon failure of any clerk to execute such new bonds, his office shall be deemed vacant.

The Attorney General may at any time, upon like notice through the district attorney, require a bond of increased amount, in his discretion, from any of said clerks within the limit of the amount above specified; and the failure of the clerk to execute the same shall in like manner vacate his office.

All bonds given by the clerks shall, after approval, be recorded in their respective offices, and copies thereof from the records, certified by the clerks respectively, under seal of court, shall be competent

Feb. 22, 1875.

18 Stat. L., 333.

Accounts for costs, &c., of clerks, marshals, and district attorneys, how proved. R. S., § 846.

128 U. S., 230.

134 U. S., 483.

140 U. S., 142.

15 Fed. Rep., 641.

19 Fed. Rep., 809.

43 Fed. Rep., 560.

19 C. Cls., 629.

21 C. Cls., 30, 243, 322.

23 C. Cls., 368.

25 C. Cls., 304.

—of commissioners.

Accounts and vouchers to be made in duplicate.

Clerk and marshal; when to give increased bond.

R. S., §§ 783, 795.

Bonds of clerks of Supreme, circuit, and district courts.

R. S., § 795.

2 Fed. Rep., 146.

Notice to execute new bonds to be given by district attorneys.

Attorney-General may require increased bonds of clerks of courts.

Copies of clerks' bonds to be evidence; disposition of originals.

evidence in any court. The original bonds shall be filed in the Department of Justice.

Mandamus by circuit court to officers to perform duties of this act.

SEC. 4. That the circuit courts of the United States, for the purposes of this act, shall have power to award the writ of mandamus, according to the course of the common law, upon motion of the Attorney-General or the district attorney of the United States, to any officer thereof, to compel him to make the returns and perform the duties in this act required.

Clerk of district or circuit court failing to make any report, &c., to be removed.

R. S., §§ 797, 798.
1879, March 1,
ch. 125, § 2, *post*,
p. 222.

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.

—appointment of successor.

1889, Feb. 6, ch. 113, § 3, *post*, p. 639.

—disqualification on removal.

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.

—additional punishment.

R. S., § 797.

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; how audited and paid.

R. S., §§ 827, 828,
830.

SEC. 7. That the proviso in the sixth paragraph of the act entitled (1) "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.

15 Opins., 108.

16 Opins., 165.

2 Flipp., 212.

17 Fed. R., 900.

19 Ct. Cls., 629.

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.

Repeal.

SEC. 8. That all acts inconsistent with the provisions of this act are hereby repealed. [February 22, 1875.]

NOTE.—(1) The provisions of the act here referred to (1874, June 16, ch. 285, § 1, 18 Stat. L., 72), being repeated (with the additional word "hereafter" and an exception in favor of judicial officers) in 1875, March 3, ch. 133, § 1, par. 1, *post*, p. 81, and therefore superseded by it, the former act is not printed in this volume. See note to act of 1875, p. 81.

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

Feb. 23, 1875.

18 Stat. L., 334.

Be it enacted, &c., 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 preëempt or homestead all such lands as may be rejected by the United States as not being in fact swamp and overflowed lands;

Purchasers of lands in Missouri as swamp lands to have priority to preëempt or homestead if lands not in fact swamp.

R. S., §§ 2257, 2259, 2289.

1874, June 22, ch. 422, and note, ante, p. 41

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:

1877, March 3, ch. 116, post, p. 141.

Provided, That nothing herein contained shall prejudice the rights of any person who may have made actual settlement upon such lands under the preëmption or homestead laws prior to the passage of this act. [February 23, 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,

18 Stat. L., 335.
Equality of rights.

R. S., §§ 1977-1991, 5510.

Be it enacted, &c., (1) That all persons within the jurisdiction of the United States shall be entitled to the full and equal enjoyment of the accommodations, advantages, facilities, and privileges of inns, public conveyances on land or water, theaters, and other places of public amusement; subject only to the conditions and limitations established by law, and applicable alike to citizens of every race and color, regardless of any previous condition of servitude.

All persons to have equal rights in inns, public conveyances, theaters, and places of public amusement.

R. S. § 1977.

SEC. 2. (1) That any person who shall violate the foregoing section by denying to any citizen, except for reasons by law applicable to citizens of every race and color, and regardless of any previous condition of servitude, the full enjoyment of any of the accommodations, advantages, facilities, or privileges in said section enumerated, or by aiding or inciting such denial, shall, for every such offense, forfeit and pay the sum of five hundred dollars to the person aggrieved thereby, to be recovered in an action of debt, with full costs; and shall also, for every such offense, be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than five hundred nor more than one thousand dollars, or shall be imprisoned not less than thirty days nor more than one year:

Persons violating provisions liable to penalty.

R. S., § 1980.

Provided, That all persons may elect to sue for the penalty aforesaid or to proceed under their rights at common law and by State statutes; and having so elected to proceed in the one mode or the other, their right to proceed in the other jurisdiction shall be barred. But this proviso shall not apply to criminal proceedings, either under this act or the criminal law of any State:

Election of remedies by persons aggrieved.

And provided further, That a judgment for the penalty in favor of the party aggrieved, or a judgment upon an indictment, shall be a bar to either prosecution respectively.

Judgment on one bars both remedies.

NOTE.—(1) §§ 1 and 2 of this act have been held by the Supreme Court to be unconstitutional and void, "at least so far as their operation in the several States is concerned," but without deciding "whether the law as it stands is operative in the Territories and District of Columbia." 109 U. S., 3.

Jurisdiction of courts.

R. S., § 563, par. 12; § 629, pars. 16, 17.

13 Fed. Rep., 341.

District attorneys, marshals, and commissioners to institute proceedings against persons violating act.

Right of civil action not affected. R. S., § 1979.

Failure of district attorney to prosecute.

Effect of judgment against district attorney.

Jurors not to be excluded on account of race or color.

R. S., §§ 800-822.

Supreme Court may review all cases under act.

R. S., § 699, par. 4.

1891, March 3, ch. 517, §§ 4, 5, post, p. 903.

SEC. 3. That the district and circuit courts of the United States shall have, exclusively of the courts of the several States, cognizance of all crimes and offenses against, and violations of, the provisions of this act; and actions for the penalty given by the preceding section may be prosecuted in the territorial, district, or circuit courts of the United States wherever the defendant may be found, without regard to the other party;

And the district attorneys, marshals, and deputy marshals of the United States, and commissioners appointed by the circuit and territorial courts of the United States, with powers of arresting and imprisoning or bailing offenders against the laws of the United States, are hereby specially authorized and required to institute proceedings against every person who shall violate the provisions of this act, and cause him to be arrested and imprisoned or bailed, as the case may be, for trial before such court of the United States, or territorial court, as by law has cognizance of the offense, except in respect of the right of action accruing to the person aggrieved; and such district attorneys shall cause such proceedings to be prosecuted to their termination as in other cases:

Provided, That nothing contained in this section shall be construed to deny or defeat any right of civil action accruing to any person, whether by reason of this act or otherwise;

And any district attorney who shall willfully fail to institute and prosecute the proceedings herein required, shall, for every such offense, forfeit and pay the sum of five hundred dollars to the person aggrieved thereby, to be recovered by an action of debt, with full costs, and shall, on conviction thereof, be deemed guilty of a misdemeanor, and be fined not less than one thousand nor more than five thousand dollars:

And provided further, That a judgment for the penalty in favor of the party aggrieved against any such district attorney, or a judgment upon an indictment against any such district attorney, shall be a bar to either prosecution respectively.

SEC. 4. (2) That no citizen possessing all other qualifications which are or may be prescribed by law shall be disqualified for service as grand or petit juror in any court of the United States, or of any State, on account of race, color, or previous condition of servitude; and any officer or other person charged with any duty in the selection or summoning of jurors who shall exclude or fail to summon any citizen for the cause aforesaid shall, on conviction thereof, be deemed guilty of a misdemeanor, and be fined not more than five thousand dollars.

SEC. 5. That all cases arising under the provisions of this act in the courts of the United States shall be reviewable by the Supreme Court of the United States, without regard to the sum in controversy, under the same provisions and regulations as are now provided by law for the review of other causes in said court. [March 1, 1875.]

NOTE.—(2) § 4 of this act has been sustained as constitutional by the Supreme Court. 100 U.S., 339.

March 1, 1875.

18 Stat. L., 337.

Army regulations may be made by President.

1870, ch. 294, § 20 (16 Stat. L., 319).

1879, June 23, ch. 35, § 2, post, p. 268.

16 Opins., 33.

CHAP. 115.—An act to authorize the promulgation of the general regulations for the government of the Army.

Be it enacted, &c., That so much of section twenty of the act approved July fifteenth, eighteen hundred and seventy, entitled "An act making appropriations for the support of the Army for the year ending June thirtieth, eighteen hundred and seventy-one, and for other purposes," as requires the system of general regulations for the Army therein authorized to be reported to Congress at its next session, and approved by that body, be, and the same is hereby, repealed;

And the President is hereby authorized, under said section, to make and publish regulations for the government of the Army in accordance with existing laws. [*March 1, 1875.*]

23 C. Cls., 458.

CHAP. 117.—An act explanatory of the act passed June twentieth, eighteen hundred and seventy-four.

March 1, 1875.

Be it enacted, &c., That it was the true intent and meaning of the act passed June twentieth, eighteen hundred and seventy-four, for the government of the District of Columbia, that the sweeping, cleaning, and removing all refuse and filthy accumulations in the streets, alleys, and avenues of the cities of Washington and Georgetown, and the repairs and cleaning of the sewers, are necessary municipal objects, which belong to the current expenses of the same, to be paid for in money as other ordinary municipal expenses;

And the proper District authorities are hereby directed to pay the parties that have heretofore performed this class of work, from the treasury of said District, out of any money not otherwise appropriated, the amount and value of said work done since the passage of the act, with legal interest from the time the same fell due under the contract, but not till after their accounts have been approved and audited as the law directs. [*March 1, 1875.*]

18 Stat. L., 337.
District of Columbia.
Cleaning streets, repairing sewers, &c., are municipal objects.
1874, June 20, ch. 337, § 2, *ante*, p. 22.
1878, June 11, ch. 180, § 3, *post*, p. 175.
1884, July 5, ch. 227, pars. 3, 4, *post*, p. 464.

CHAP. 119.—An act further supplemental to the various acts prescribing the mode of obtaining evidence in cases of contested elections.

March 2, 1875.

Be it enacted, &c. [*Section 1 superseded by 1887, March 2, ch. 318, post, p. 553.*]

SEC. 2. That section one hundred and seven of the Revised Statutes of the United States shall be construed as requiring all testimony in cases of contested election to be taken within ninety days from the day on which the answer of the returned member is served upon the contestant. [*March 2, 1875.*]

Congressional contested elections, time for taking testimony in limited.
R. S., § 107.

CHAP. 126.—An act in relation to the Quartermaster's Department, fixing its status, reducing its numbers, and regulating appointments and promotions therein.

March 3, 1875.

Be it enacted, &c., That the Quartermaster's Department of the Army shall hereafter consist of the Quartermaster-General, with the rank, pay and emoluments of a brigadier-general; four assistant quartermasters-general, with the rank, pay and emoluments of colonels of cavalry; eight deputy quartermasters-general, with the rank, pay and emoluments of lieutenant-colonels of cavalry; fourteen quartermasters, with the rank, pay and emoluments of majors of cavalry; and thirty assistant quartermasters, with the rank, pay and emoluments of captains of cavalry.

18 Stat. L., 338.
Quartermaster's Department of Army; of what officers to consist.
R. S., § 1132.

SEC. 2. That no more appointments shall be made in the grade of military storekeepers in the Quartermaster's Department, and this grade shall cease to exist as soon as the same becomes vacant by death, resignation, or otherwise of the present incumbents.

—military storekeepers; office abolished, &c.
R. S., § 1132.

SEC. 3. That no officer now in service shall be reduced in rank, or deprived of his commission by reason of any provision of this act.

—rank, &c., of present officers not reduced.

SEC. 4. That no officer shall be promoted or appointed in the Quartermaster's Department in excess of the organization prescribed by this act, and that so much of section six of the act approved March third, eighteen hundred and sixty-nine, entitled (1) "An act making

—promotions and appointments in.
R. S., § 1194.
1883, March 3, ch. 93, par. 4, *post*, p. 400.
15 Opins., 330.

NOTE.—(1) The provisions of the act of 1869, ch. 124, § 6 (14 Stat. L., 318), here referred to, and in part repealed, are incorporated into Revised Statutes in § 1194. The whole section is repealed by 1877, March 3, ch. 100, *post*, p. 134.

appropriations for the support of the Army for the year ending June thirtieth, eighteen hundred and seventy, and for other purposes", as applies to the Quartermaster's Department, be, and the same is hereby, repealed. [*March 3, 1875.*]

March 3, 1875. CHAP. 127.—An act to further protect the sinking-fund and provide for the exigencies of the Government.

18 Stat. L., 339.
Tax on distilled spirits to be 90 cents a gallon.
R. S., §§ 3251, 3309.

1875, March 3, ch. 131, § 12, *post*, p. 78.

Be it enacted, &c., That from and after the passage of this act there shall be levied and collected on all distilled spirits thereafter produced in the United States, a tax of ninety cents on each proof gallon, or wine-gallon when below proof, to be paid by the distiller, owner or person having possession thereof, before removal from the distillery bonded warehouse; and so much of section three thousand two hundred and fifty-one of the Revised Statutes of the United States as is inconsistent herewith is hereby repealed.

[*Rest of act superseded by 1883, March 3, ch. 121, and 1890, Oct. 1, ch. 1244, post, pp. 404, 812.*] [*March 3, 1875.*]

March 3, 1875. CHAP. 128.—An act making appropriations for the services of the Post-Office Department for the fiscal year ending June thirtieth, eighteen hundred and seventy-six, and for other purposes.

18 Stat. L., 340.

Postmaster's salary. N. Y.

R. S., § 3852.
1883, March 3, ch. 142, § 4, *post*, p. 420.

Weighing of mails to be paid for out of appropriation for inland transportation.

R. S., § 4002.
1876, July 12, ch. 179, § 1, *post*, p. 110.
1878, June 17, ch. 259, par. 3, *post*, p. 187.

Be it enacted, &c., * * [Par. 1.] The salary of the postmaster of the city of New York is hereby fixed at eight thousand dollars per annum.

[Par. 2.] Out of the appropriation for inland-mail transportation the Postmaster General is authorized hereafter to pay the expenses of taking the weights of mails on railroad routes, as provided by the act entitled (1) "An act making appropriations for the service of the Post-Office Department for the year ending June thirtieth, eighteen hundred and seventy-four," approved March third, eighteen hundred and seventy-three; and he is hereby directed to have the mails weighed as often as now provided by law by the employees of the Post-Office Department, and have the weights stated and verified to him by said employees under such instructions as he may consider just to the Post-Office Department and the railroad-companies.

Accounts P. O. Dept.

R. S., § 4049.
1890, Sept. 30, ch. 1126, par. 2, *post*, p. 811.

SEC. 4. That hereafter the Sixth Auditor shall keep the accounts in his office so as to show the expenditures of the Post-Office Department under each item of appropriation provided by law.

Congressional Record, &c., may be franked, &c.

R. S., § 3896.
1874, June 23, ch. 456, § 13, *ante*, p. 45;
1877, March 3, ch. 103, § 7, *post*, p. 136.

SEC. 5. That from and after the passage of this act, the Congressional Record, or any part thereof, or speeches or reports therein contained, shall, under the frank of a member of Congress, or delegate, to be written by himself, be carried in the mail free of postage, under such regulations as the Postmaster-General may prescribe. [*Remainder of § 5 and § 6 are temporary.*]

Seeds and agricultural reports mailed free, &c.

R. S., § 527.
1890, July 14, ch. 707, par. 1, *post*, p. 773.

SEC. 7. That seeds transmitted by the Commissioner of Agriculture, or by any member of Congress or delegate receiving seeds for distribution from said Department, together with agricultural reports emanating from that Department, and so transmitted, shall, under such regulations as the Postmaster-General shall prescribe, pass through the mails free of charge. And the provisions of this section shall apply to ex-members of Congress and ex-delegates for the period of nine months after the expiration of their terms as members and delegates. [*March 3, 1875.*]

NOTE.—(1) The provisions here referred to in act of 1873, ch. 231, § 17 (18 Stat. L., 341) are incorporated in Revised Statutes in § 4002.

CHAP. 129.—An act making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June thirtieth, eighteen hundred and seventy-six, and for other purposes.

March 3, 1875.

18 Stat. L., 343.

Be it enacted, &c., * * * [Par. 1.] Hereafter clerks of committees of either branch of Congress (except those whose salaries are fixed by specific appropriations,) shall be paid not more than six dollars per day, and during the session only. * *

Clerks to committees—per diem pay.

1886, June 28, Res. 15, *post*, p. 516.

Capitol police, &c., to receive no pay when suspended, if, &c.

R. S., § 1823.

Congressional Record, extracts how printed.

1874, June 20, Res. No. 12, and No. 11, *post*, p. 515.

Disbursing clerk, State Department.

[Par. 2.] That hereafter, whenever a member of the Capitol police or watch force is suspended from duty for cause, said policeman or watchman shall receive no compensation for the time of such suspension if he shall not be re-instated. * *

[Par. 3.] It shall be lawful for the Congressional Printer to print and deliver, upon the order of any Senator or Member of the House of Representatives, or Delegate, extracts from the Congressional Record, the person ordering the same paying the cost thereof. * *

[Par. 4.] The chief of the Bureau of Accounts may be appointed by the head of the Department disbursing-clerk of the Department of State. * *

note, *ante*, p. 57. 1886, April 15, Res.

[Par. 5.] It shall be the duty of the officer in charge of the Bureau of Statistics to gather, collate, and annually report to the Secretary of the Treasury, for transmission to Congress, statistics and facts relating to commerce with foreign nations and among the several States, the railroad systems of this and other countries, the construction and operation of railroads, the actual cost of such construction and operation of railroads, the actual cost of transporting freights and passengers on railroads, and on canals, rivers, and other navigable waters of the United States, the charges imposed for such transportation of freight and passengers, and the tonnage transported; and the reports now by law required to be prepared and published monthly in the said Bureau of Statistics shall hereafter be prepared and published quarterly under the direction of the Secretary of the Treasury. * *

Bureau of Statistics to gather facts relating to railroads, &c., and to publish reports quarterly.

R. S., § 339.

1884, July 5, ch. 221, § 4, *post*, p. 462.

[Par. 6.] (1) That so much of the act entitled (2) "An act to incorporate a National Military and Naval Asylum for the relief of totally disabled officers and men of the volunteer forces of the United States," approved March third, eighteen hundred and sixty five, and of all acts amendatory thereof, as provides "that for the establishment and support of said asylum there shall be appropriated all stoppages or fines adjudged against officers and soldiers by sentence of court-martial or military commission, over and above the amounts necessary for the re-imbusement of the Government or of individuals; all forfeitures on account of desertion from the service; and all moneys due deceased officers and soldiers which now are or may be unclaimed for three years after the death of such officers and soldiers," be, and the same is hereby, repealed, to take effect on and after the first day of April, eighteen hundred and seventy-five.

National Home for Disabled Volunteers not to have fines and forfeitures of soldier as before.

R. S., § 4831.

And from and after April first, eighteen hundred and seventy-five, no clerk shall be employed or paid in any Department of the Gov-

—clerks not to be employed in rela-

NOTES.—(1) The permanent legislation to March 3, 1891, beside R. S., §§ 4825-4837, and this act, in regard to National Homes for Disabled Volunteer Soldiers, is as follows: 1879, Mar. 3, ch. 182, § 1, par. 7, *post*, p. 251, advertisement for supplies, expenditures for new buildings and estimates; 1879, June 23, ch. 35, par. 4, *post*, p. 268, headstones at Central Branch; 1881, Feb. 8, ch. 35, *post*, p. 315, supplying public documents; 1882, Aug. 7, ch. 433, par. 10, *post*, p. 381, payment of pensions; par. 14, *post*, p. 381, admission of insane inmates to Hospital for Insane, D. C.; 1884, July 5, ch. 223, *post*, pp. 462, 463, Western Branch authorized and extension of classes of persons to be admitted; 1885, Mar. 3, ch. 360, par. 5, *post*, p. 466, report of expenses; 1886, July 9, ch. 756, *post*, p. 501, bonds from depositories; 1886, Aug. 4, ch. 902, *post*, p. 513, estimates to be itemized; 1887, Mar. 2, ch. 316, *post*, p. 553, Pacific Branch authorized and number of managers increased; Mar. 3, ch. 362, par. 7, *post*, p. 563, expenses to be submitted to Congress and audited by accounting officers, no person in liquor traffic to be employed; 1888, July 23, ch. 695, *post*, p. 599, Marion, Indiana, Branch authorized; Aug. 27, ch. 914, *post*, p. 617, aid to State homes; Oct. 2, ch. 1039, par. 7, *post*, p. 627, balances to be carried to surplus fund and estimates to be submitted to Secretary of War; 1889, Feb. 8, ch. 116, *post*, p. 640, furnishing obsolete cannon; Mar. 2, ch. 382, § 9, *post*, p. 690, reduced railroad rates to inmates not forbidden by interstate-commerce law; Mar. 2, ch. 411, par. 6, *post*, p. 698, limit on aid to State homes; 1891, Mar. 3, ch. 542, par. 5, *post*, p. 927, accounts to be supervised by Secretary of War; Res. No. 21, *post*, p. 956, managers increased to eleven. The Soldiers' Home at Washington for soldiers of the Regular Army, is regulated by R. S., §§ 4814-4824, and 1883, March 3, ch. 130, *post*, p. 410.

(2) The provisions of the acts here referred to, 1865, ch. 91, § 5 (13 Stat. L., 510), and 1866, ch. 21, § 5 (14 Stat. L., 10), are incorporated into Revised Statutes in § 4831.

tion to such fines, &c.

ernment for services rendered under any provision of said act of March third, eighteen hundred and sixty-five, or the acts amendatory thereof.

—to draw no money except upon annual appropriations.

And from and after the first day of April, eighteen hundred and seventy-five, no money shall be appropriated or drawn for the support and maintenance of what is now designated by law as the "National Home for Disabled Volunteer Soldiers," except by direct and specific annual appropriations by law.

—estimates, and manner of drawing money for.

And it shall be the duty of the managers of said home, on or before the first day of August in each year, to furnish, to the Secretary of War, estimates, in detail, for the support of said home for the fiscal year commencing on the first day of July thereafter; and the Secretary of War shall annually include such estimates in his estimates for his Department.

R. S., § 4828.
1888, Oct. 2, ch. 1069, par. 7, post, p. 627.

And no moneys shall, after the first day of April, eighteen hundred and seventy-five, be drawn from the Treasury for the use of said home, except in pursuance of quarterly estimates, and upon quarterly requisitions by the managers thereof upon the Secretary of War, based upon such quarterly estimates, for the support of said home for not more than three months next succeeding such requisition.

And no money shall be drawn or paid upon any such requisition while any balance heretofore drawn or received by said home, or for its use, from the Treasury, under the laws now or heretofore existing, and now held under investment or otherwise, shall remain unexpended.

—accounts and vouchers for to be rendered, audited, &c.

And the managers of said home shall, at the commencement of each quarter of the year, render to the Secretary of War an account of all their receipts and expenditures for the quarter immediately preceding, with the vouchers for such expenditures;

And all such accounts and vouchers shall be authenticated by the officers of said home thereunto duly appointed by said managers, and audited, and allowed, as required by law for the general appropriations and expenditures of the War Department. * *

Estimates for appropriations, when to be furnished, &c.

SEC. 3. That it shall be the duty of the heads of the several Executive Departments, and of other officers authorized or required to make estimates, to furnish to the Secretary of the Treasury, on or before the first day of October of each year, their annual estimates for the public service, to be included in the Book of Estimates prepared by law under his direction; and the Secretary of the Treasury shall submit, as a part of the appendix to the Book of Estimates, such extracts from the annual reports of the several heads of Departments and Bureaus as relate to estimates for appropriations, and the necessities therefor. [March 3, 1875.]

R. S., §§ 414, 1798, 3660, 3669, 3814.

1881, Feb. 23, ch. 73, § 1; 1884, July 7, ch. 334, par. 2, post, pp. 317, 470.

March 3, 1875.

18 Stat. L., 371.

CHAP. 130.—An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and seventy-six, and for other purposes.

Life-saving stations. 1878, June 18, ch. 265, and note, post, p. 190.

Be it enacted, &c. * * [Par. 1.] For new life-saving stations on Long Island Sound, one at Eaton's Neck, and one at Point Judith. * *

Acquisition of sites for life-saving stations, &c.

1878, June 18, ch. 265 and note, post, p. 190.

[Par. 2.] And the Secretary of the Treasury is hereby authorized whenever he shall deem it advisable, to acquire, by donation or purchase in behalf of the United States, the right to use and occupy sites for life-saving or life-boat stations, houses of refuge, and sites for pier-head beacons the establishment of which has been, or shall hereafter be, authorized by Congress. * *

1888, Aug. 1, ch. 728, and note, post, p. 601.

Bank notes to be printed on dis-

[Par. 3.] That the national-bank notes shall be printed under the direction of the Secretary of the Treasury, and upon the distinctive

or special paper which has been, or may hereafter be, adopted by him for printing United States notes. * *

[Par. 4.] For * * expenses of engraving and printing notes, bonds, and other securities of the United States. * *

Provided, That the above-named notes, currency, and other securities of the United States be executed with not less than three plate-printings:

And provided further; That the Secretary of the Treasury shall have executed one or two of such printings by such responsible and capable and experienced bank-note companies or bank-note engravers as may contract for the same at the lowest cost to the Government, and at prices not greater than those heretofore paid for the same class of work; no company or establishment executing more than one printing upon the same note or obligation, and the final printing and finishing to be executed in the Treasury Department. (1) * *

[Par. 5.] That the additional compensation authorized by section four thousand seven hundred and forty-four of the Revised Statutes, to be paid to clerks detailed to investigate suspected attempts of fraud upon the Government through and by virtue of the pension-laws, shall be the actual and necessary expenses of transportation, and a per diem allowance in lieu of subsistence, not exceeding four dollars per diem. (2) * *

[Par. 6.] For salaries and traveling-expenses of agents to seal fisheries in Alaska; * * and for necessary traveling-expenses of agents going to and returning from Alaska; * * And hereafter no payment whatever shall be made for this purpose from indefinite appropriations. * *

[Par. 7.] And no work of art not the property of the United States shall be exhibited in the Capitol, nor shall any room in the Capitol be used for private studios or works of art, without permission from the Joint Committee on the Library, given in writing; and it shall be the duty of the Architect of the Capitol Extension to carry these provisions into effect. * *

[Par. 8.] That the Secretary of State be, and he is hereby, authorized to rent, furnish, and keep suitable buildings, with grounds appurtenant, at Peking, for the use of the legation in China, at an annual cost not exceeding five thousand dollars; that the period of such lease shall be for two or more years, and with renewals, as the Secretary of State shall determine. (3) * *

[Par. 9.] That hereafter the salary of the supervising surgeon-general of the United States marine hospital service shall be paid out of the marine hospital fund, at the rate of four thousand dollars per year; and the supervising surgeon-general shall be appointed by the President, by and with the advice and consent of the Senate. * *

[Par. 10.] That the provisions of the third section (4) of the act entitled "An act to reduce the expenses of the survey of the public lands in the United States," approved May thirtieth, eighteen hundred and sixty-two, requiring that the cost of survey and platting shall be paid by the claimant for any private land claim before a patent therefor shall be issued, be, and the same is hereby repealed. * *

NOTES.—(1) This provision, it is understood, has been held, for several years past, by the Treasury Department not to be of a permanent nature. If permanent it may perhaps be considered as superseded by 1877, March 3, ch. 105, par. 4, *post*, p. 136. It is impossible to determine extra-judicially whether this and many other provisions in annual appropriation acts are permanent or temporary. Where the language is such as to admit of doubt on the question, the provisions have been inserted in this edition.

(2) Since 1882, Aug. 5, ch. 389 (22 Stat. L., 246), the annual appropriation acts have limited the allowance for subsistence of special examiners in pension cases to not exceeding \$3 per diem, although the above provision has never been repealed. See 22 Stat. L., 557; 23 Stat. L., 16, 187, 418; 24 Stat. L., 201, 624; 25 Stat. L., 286, 736; 26 Stat. L., 258, 938.

(3) This same provision is enacted again in the next following act (18 Stat. L., 405). It is not deemed necessary to repeat it in this volume.

(4) The provisions of 1862, ch. 86, sec. 3 (12 Stat. L., 409), here referred to, are incorporated into Revised Statutes in § 2400.

tinctive paper, &c. R. S., §§ 5171, 5172, 5430.

1874, June 20, ch. 343, § 5, *ante*, p. 28.

Notes, &c., to have three printings.

—one or two to be done by bank-note company.

R. S., § 3577, 1877, March 3, ch. 105, par. 4, *post*, p. 136.

Compensation for investigating pension frauds.

R. S., § 474, 4744, 1882, July 25, ch. 349, §§ 2, 3, *post*, p. 360.

Agents of seal fisheries, Alaska, not to be paid from indefinite appropriations.

R. S., §§ 1973, par. 6, *post*, p. 115.

No private studios or works of art in Capitol without permission.

R. S., §§ 1815, 1816.

1876, July 31, ch. 246, par. 2, *post*, p. 416.

Secretary of State may rent, &c., buildings at Peking for legation.

R. S., § 1680.

Supervising surgeon of marine hospitals.

R. S., § 4802, 1875, March 3, ch. 156, § 7, *post*, p. 95.

1884, June 26, ch. 121, § 15, *post*, p. 443.

Patent for private land claim may issue before payment for survey.

R. S., § 2400, 1876, July 31, ch. 246, par. 7, *post*, p. 115.

1885, March 3, ch. 360, par. 2, *post*, p. 486.

1891, March 3, ch. 539, § 10, *post*, p. 921.

Useless ordnance material in War Department may be sold; appropriation to procure new material, &c.

R. S., §§ 3618, 3672, 3692.

1888, Sept. 22, ch. 1028, *post*, p. 619.

1884, July 5, ch. 235, § 3, *post*, p. 468.

1874, June 22, ch. 413, *ante*, p. 39.

Report to be made of receipts and expenditures of telegraph lines.

R. S., § 3617.

1874, June 23, ch. 461, *ante*, p. 46.

1883, March 3, ch. 143, par. 3, *post*,

Chief Signal Officer to have control.

1890, Oct. 1, ch. 1266, § 2, *post*, p. 879.

Members of House holding contested seats not to be on pay-roll.

R. S., § 38.

1879, March 3, ch.

Restriction upon contracts and expenditures for public buildings and sites therefor.

R. S., §§ 3663, 3733, 3734, 3736, 5503.

1874, June 23, ch. 476, § 2, *ante*, p. 51.

[Par. 11.] That the (5) Secretary of the Navy is authorized to dispose of the useless ordnance material on hand at public sale, according to law;

* * [Part omitted is superseded by act cited in note (5).] * *

And in the case of sale of like materials in the War Department, the proceeds of which shall be turned into the Treasury, an amount equal to the net proceeds of such sale is hereby appropriated for the purpose of procuring a supply of material adapted in manufacture and calibre to the present wants of the war service;

And there shall be expended in the War Department, under this provision, not more than seventy-five thousand dollars in any one year.

[Par. 12.] For * * military telegraph-lines on the Indian and Mexican frontiers, and for the connection of military posts and stations, * * especially in the State of Texas, the Territories of New Mexico and Arizona, and the Indian Territory. (6)

* * And a full report of the receipts and expenditures in connection with the said telegraph-lines shall be made quarterly to the Secretary of War through the Chief Signal Officer.

And the Chief Signal Officer shall have the charge and control of said lines of telegraph in the construction, repair, and operation of the same. * *

[Par. 13.] That so much of section thirty-eight of the Revised Statutes as requires the Clerk of the House of Representatives to omit from the pay-roll of Representatives and Delegates elect to Congress those holders of legal certificates whose election he may be notified will be contested be, and the same hereby is repealed. * *

[Par. 14.] (7) And hereafter no money shall be paid nor contracts made for payment for any site for a public building in excess of the amount specifically appropriated therefor;

And no money shall be expended upon any public building on which work has not yet been actually begun until after drawings and specifications together with detailed estimates of the cost thereof, shall have been made by the Supervising Architect of the Treasury Department, and said plans and estimates shall have been approved by the Secretary of the Treasury, Secretary of the Interior, and the Postmaster General;

Notes.—(5) The authority given to the Secretary of the Navy in this paragraph to dispose of public property is superseded by 1882, Aug. 5, ch. 391, § 2, *post*, p. 377. This introductory clause is retained in order to explain the subsequent part of the paragraph relating to the War Department.

(6) Special provisions in regard to military telegraph-lines are found in 1874, June 3, ch. 205 (18 Stat. L., 51), and 1878, June 20, ch. 359 (20 Stat. L., 219).

(7) Laws as to erection of public buildings are as follows: By R. S., 355, no public money shall be spent on a site for a public building until after the opinion of the Attorney General in favor of the validity of the title and the consent of the State legislature to the purchase. By § 3663, estimates to Congress by the head of a Department for public buildings must be accompanied by full plans and estimates for the whole work. Subsequent estimates must be accompanied by full plans and estimates expended, the reasons for any excess and the amount of excess anticipated. By § 3733, no contract can be made for any public building for a larger sum than appropriated. A violation of this is punishable by fine and imprisonment (§ 5503). By § 3734, no new building shall be begun until the plans and estimates are approved by the Secretary of the Treasury, the Postmaster-General, and the Secretary of the Interior, and the cost shall not exceed the estimate. By § 3736, no land shall be purchased except under a law authorizing it. By 1874, June 20, ch. 328, § 5, *ante*, p. 18, appropriations for public buildings are excepted from the law covering appropriations into the Treasury after two years, and available until the work is completed and shall then be covered into the Treasury. The same act regulates the selection of sites and the duties of commissioners to select them. The above act of 1875, in effect, applies the provisions of R. S., § 3733, to sites, amplifies R. S., § 3734, provides for limitation of expenditures to the amount allowed by law and forbids changes of plan involving an increase of over ten per cent. in cost. By 1882, Aug. 7, ch. 433, par. 1, *post*, p. 380, no act passed authorizing the purchase of a site and erection of a building shall be held to appropriate money unless an appropriation is expressly made. By 1883, March 3, ch. 143, par. 1, *post*, p. 430, authority is given to acquire sites by purchase or condemnation. By 1887, March 3, ch. 362, par. 1, *post*, p. 562, contracts for heating are regulated, report required of persons employed as superintendents, &c., and paid from appropriations for public buildings and but one person may be employed for care of completed building. By 1888, Aug. 1, ch. 723, provision is made for condemnation of land for public buildings. (See note to this act on condemnation.) By 1889, March 2, ch. 411, par. 1, *post*, p. 697, no plan for public building shall be approved until the final selection of site or for more than the balance of appropriation over cost of site, procurements are regulated, payments for sites are to be made by Treasury drafts and proceedings in titles are regulated. By 1890, Aug. 30, ch. 837, par. 1, *post*, p. 791, certain details of expending are to appear in the book of estimates. Special provisions are usually made in each act authorizing the erection of a public building in regard to site, plans, and cost. See the latest of such acts at the date of this publication, 1891, March 3, ch. 560, (26 Stat. L., 1094). Compensation for disbursing funds for public buildings is regulated by R. S., §§ 3654, 3657, 3658. 1875, March 3, ch. 131, § 4, *post*, p. 78; 1889, Aug. 7, ch. 433, par. 2, *post*, p. 380; 1889, March 2, ch. 411, par. 1, *post*, p. 697. (See also 23 C. Cls., 326; 25 C. Cls., 359.)

And all appropriations made for the construction of such building shall be expended within the limitations of the act authorizing the same or limiting the cost thereof;

1889, March 2, ch. 411, par. 1, *post*, p. 697.

And no change of said plan involving an increase of expense exceeding ten per centum of the amount to which said building was limited shall be allowed or paid by any officer of the Government without the special authority of Congress. * *

SEC. 2. That on and after July first, eighteen hundred and seventy-five, the organization of the Treasury Department, and the several offices thereof, and the annual salaries paid to the persons therein, shall be as follows, to wit: (8)

Organization and salaries in Treasury Department.

In the office of the Secretary of the Treasury:

R. S., §§ 163-172, 235.

The Secretary, eight thousand dollars; two assistant secretaries, at four thousand five hundred dollars each; * *

Office of Secretary.

In the Construction Branch of the Treasury:—

R. S., §§ 160, 177.

Supervising Architect, four thousand five hundred dollars; * *

Clerks of Construction Branch.

In the Office of the First Comptroller:—

R. S., § 235.

The First Comptroller of the Treasury, five thousand dollars; deputy comptroller, two thousand eight hundred dollars; * *

—of First Comptroller.

1883, March 3, ch. 128, par. 2, *post*, p. 409.

In the Office of the Second Comptroller:—

R. S., § 235, 268.

The Second Comptroller, five thousand dollars; deputy comptroller, two thousand eight hundred dollars, * *

—of Second Comptroller.

R. S., §§ 235, 268.

In the Office of the Commissioner of Customs:—

—of Commissioner of Customs.

The Commissioner of Customs, four thousand five hundred dollars; deputy commissioner, two thousand five hundred dollars; * *

R. S., §§ 235, 316.

In the Office of the First Auditor:—

—of First Auditor.

The First Auditor of the Treasury, four thousand dollars; deputy auditor, two thousand five hundred dollars; * *

R. S., §§ 235, 276.

In the Office of the Second Auditor:—

—of Second Auditor.

The Second Auditor of the Treasury, four thousand dollars; deputy auditor, two thousand five hundred dollars; * *

R. S., §§ 235, 276.

In the Office of the Third Auditor:—

—of Third Auditor.

The Third Auditor of the Treasury, four thousand dollars; deputy auditor, two thousand five hundred dollars; * *

R. S., §§ 235, 276.

In the Office of the Fourth Auditor:—

—of Fourth Auditor.

The Fourth Auditor of the Treasury, four thousand dollars; deputy auditor, two thousand five hundred dollars; * *

R. S., §§ 235, 276.

In the Office of the Fifth Auditor:—

—of Fifth Auditor.

The Fifth Auditor of the Treasury, four thousand dollars; deputy auditor, two thousand five hundred dollars; * *

R. S., §§ 235, 276.

In the Office of the Auditor of the Treasury for the Post Office Department:

—of Sixth Auditor.

The Auditor of the Treasury for the Post Office Department, four thousand dollars; deputy auditor, two thousand five hundred dollars; * *

R. S., §§ 235, 276.

1891, March 3, ch. 541, par. 3, *post*, p. 926.

In the Office of the Register:

—of Register.

The Register of the Treasury, four thousand five hundred dollars; one assistant register and (9) one deputy register, at two thousand five hundred dollars each; * *

R. S., §§ 235, 312.

In the Office of the Treasurer:

—of Treasurer.

The Treasurer of the United States, six thousand five hundred dollars; assistant treasurer, three thousand eight hundred dollars; * *

R. S., §§ 235, 301.

NOTE.—(8) This section fixes the number and salaries of officers in the Treasury Department at Washington (18 Stat. L., 396). But it is provided by 1882, Aug. 5, ch. 389, § 4, *post*, p. 374, that "no civil officer, clerk, draughtsman, copyist, messenger, assistant messenger, mechanic, watchman, laborer, or other employee shall be employed in any of the executive departments or subordinate bureaus or offices thereof at the seat of government, except only at such rates and in such numbers respectively, as may be specifically appropriated for by Congress for such clerical and other personal services for each fiscal year." 24 C. Cls., 517. Subsequent appropriation acts have appropriated for different officers, and different salaries than those fixed in this act. See 1891, March 3, ch. 541 (26 Stat. L., 916-923). The omitted portions, at least, of this section may thus be regarded as superseded.

NOTE.—(9) There is no deputy register provided for in the appropriation by act of the same date as his, 1875, March 3, ch. 129 (18 Stat. L., 351), or in any subsequent appropriation act.

— of Light-House Board.

R. S., § 235.

Comptroller of the Currency.

R. S., §§ 235, 325.

— of Commissioner of Internal Revenue.

R. S., §§ 235, 319.

1874, Jan. 29, ch.

18, and note, *ante*.

— of divisions of loans and currency in Secretary's office.

R. S., § 235.

Chief clerks' duties transferred to deputy officers.

R. S., §§ 173-175, 178, 235.

15 Opins., 3.

Appointments in Treasury Department; how distributed, &c.

R. S., § 169.

1883, Jan. 6, ch.

27, § 2, *post*, p. 393.

Force employed for redemption, &c., of national-bank notes.

R. S., § 169.

1874, June 20,

ch. 343, § 3, *ante*, p. 27.

Reimbursement of Treasury for cost of redemption &c., of bank notes.

1874, June 20,

ch. 343, § 3, *ante*, p. 27.

Time for election of Representatives not to apply to certain States.

R. S., § 25.

Actions against officers of Congress for official acts to be defended by district attorney, under directions of Attorney-General, &c.

In the Office of the Light House Board:

The chief clerk of the Light House Board, two thousand five hundred dollars; * *

In the Office of the Comptroller of the Currency:

The Comptroller of the Currency, five thousand dollars; deputy comptroller, three thousand dollars; * *

In the Office of the Commissioner of Internal Revenue:

The Commissioner of Internal Revenue, six thousand dollars; deputy commissioner, three thousand five hundred dollars; one deputy Commissioner, at three thousand dollars; * *

In the Office of the Secretary of the Treasury:

That there shall be in the Office of the Secretary of the Treasury a Division of Loans and a Division of Currency, (10) with the following employees: * *

That the duties heretofore prescribed by law and performed by the chief clerks in the several Bureaus named shall hereafter devolve upon, and be performed by, the several deputy comptrollers, deputy auditors, deputy register, and deputy commissioner herein named:

Provided, That on and after January first, eighteen hundred and seventy-six, the appointments of this Department shall be so arranged as to be equally distributed between the several States of the United States, Territories, and the District of Columbia, according to population. * *

1890, July 11, ch. 667, par. 1, *post*, p. 772.

SEC. 3. That to carry into effect the provisions of section three of the act entitled "An act fixing the amount of United States notes, providing for a redistribution of the national-bank currency, and for other purposes" approved June twentieth, eighteen hundred and seventy-four, the Secretary of the Treasury is authorized to appoint the following force, to be employed under his direction, namely: In the Office of the Treasurer: * *

In the Office of the Comptroller of the Currency: * *

And at the end of each month, the Secretary of the Treasury shall re-imburse the Treasury to the full amount paid out under the provisions of this section by transfer of said amount from the deposit of the national banking-associations with the Treasury of the United States; and at the end of each fiscal year he shall transfer from said deposit to the Treasury of the United States such sum as may have been actually expended under his direction for stationery, rent, fuel, light, and other necessary incidental expenses which have been incurred in carrying into effect the [*the*] provisions of the said section of the above-named act.

SECS. 4, 5. [*Make temporary appropriations.*]

SEC. 6. That section twenty-five of the Revised Statutes prescribing the time for holding elections for Representatives to Congress, is hereby modified so as not to apply to any State that has not yet changed its day of election, and whose constitution must be amended in order to effect a change in the day of the election of State officers in said State. * *

SEC. 7. [*Temporary.*]

SEC. 8. That in any action now pending, or which may be brought against any person for or on account of anything done by him while an officer of either House of Congress in the discharge of his official duty, in executing any order of such House, the district attorney for the district within which the action is brought, on being thereto requested by the officer sued, shall enter an appearance in behalf of such officer; and all provisions of the eighth section (11) of the act of

NOTES.—(10) These divisions are consolidated by 1876, Aug. 15, ch. 287, par. 5, *post*, p. 119. (11) The eighth section of the act of 1866, ch. 298 (14 Stat. L., 329), is not in terms found in the Revised Statutes, but the provisions to which it refers and to which reference seems to be made in this act are incorporated into the Revised Statutes in the several sections noted in the margin.

July twenty-eighth, eighteen hundred and sixty-six, entitled "An act to protect the revenue, and for other purposes," and also all provisions of the sections of former acts therein referred to, so far as the same relate to the removal of suits, the withholding of executions, and the paying of judgments against revenue or other officers of the United States, shall become applicable to such action and to all proceedings and matters whatsoever connected therewith, and the defense of such action shall thenceforth be conducted under the supervision and direction of the Attorney General.

SEC. 9. That the Secretary of State shall cause the statutes at large enacted by each Congress, which shall be edited and printed pursuant to the provisions of section seven of the act entitled "An act for publication of the Revised Statutes and the laws of the United States," approved June twentieth, eighteen hundred and seventy-four, to be stereotyped and offered for sale in the same manner and on the same terms as is provided in and by section nine of said act herein mentioned in respect to the laws of each session of Congress.

That the provisions of section two of the act entitled "An act providing for the distribution of the Revised Statutes," approved February eighteenth, eighteen hundred and seventy-five, shall apply to the statutes at large enacted by each Congress and to the laws of each session of Congress, to be published pursuant to said act of June twentieth, eighteen hundred and seventy-four, in the same manner as if specially mentioned therein.

That the Congressional Printer be, and he is hereby directed, in causing to be printed and bound an edition of the laws at the close of the session for the use of the Senate and the House of Representatives, to print the same from the stereotype plates of the edition prepared under the direction of the Department of State, with the index thereof; and so much of the act entitled (12) "An act to expedite and regulate the printing of public documents, and for other purposes," approved June twenty-fifth, eighteen hundred and sixty-four, as requires the preparation of an alphabetical index, under the direction of the Joint Committee on Printing, be and the same is hereby, repealed.

SEC. 10. That section two thousand six hundred and eighty-eight of the Revised Statutes of the United States be amended by inserting at the end thereof as follows: "That hereafter the maximum compensation of each surveyor of customs, performing the duties of collectors of customs, shall be five thousand dollars a year, out of any and all fees and emoluments by him received." (13) * *

SEC. 11. [Executed.]

SEC. 12. That it shall be the duty of the Commissioner of Patents to furnish free of cost, one copy of the bound volumes of specifications and drawings of patents published by the Patent Office, to each of the Executive Departments of Government, upon the request of the head thereof. [March 3, 1875.]

NOTES.—(12) The provision of the act of 1864, ch. 155 (13 Stat. L., 184), here repealed, is incorporated into Revised Statutes, § 3907, noted in the margin.

(13) This amendment is incorporated into the second edition of the Revised Statutes in § 2688.

R. S., §§ 629, par. 12; 643, 645, 646, 827, 834, 989.
103 U. S., 168.

Statutes at Large to be stereotyped and offered for sale.

1874, June 20, ch. 333, §§ 7, 9, ante, pp. 21, 23.

—to be kept on sale through arrangements with booksellers.

1875, Feb. 18, ch. 84, § 2, ante, p. 63.

—printing and binding same, and index.

R. S., § 3807.

Maximum compensation of surveyors of customs.

R. S., § 2688.

1874, June 22, ch. 391, §§ 23, ante, p. 36.

1879, Feb. 26, ch. 103, post, p. 220.

Volumes of drawings, &c., published by Patent Office to be furnished Departments.

R. S., §§ 481, 490.

March 3, 1875.

18 Stat. L., 402.

CHAP. 131.—An act making appropriations to supply deficiencies in the appropriations for fiscal years ending June thirtieth, eighteen hundred and seventy-five, and prior years, and for other purposes.

Be it enacted, &c. * * That so much of the appropriation for subsistence of the Army as may be necessary may be applied to the purchase of subsistence-stores for sale to officers for the use of themselves and their families, and to commanders of companies or other organizations, for the use of the enlisted men of their companies or organizations,

Subsistence stores—sale to Army officers.

R. S., § 1144.

1884, July 5, ch. 217, par. 2, post, p. 456.

1890, Aug 30, ch. 837, par. 7, post, p. 793.

Subsistence stores—proceeds of sale, how used.

Commission for disbursements for public buildings limited.

R. S., § 1765, 3654, 3657, 3658..

1882, Aug. 7, ch. 433, par. 2, post, p. 380.

22 C. Cls., 332.

25 C. Cls., 389.

Tax on distilled spirits 90 cents a gallon. R. S., § 3309. 1875, March 3, ch. 127, ante, p. 70.

Commissions of officers under Secretary of Interior to be made, &c., in his Department, &c.

R. S., §§ 437, 1794.

1874, March 18, ch. 57, and note, ante, p. 5.

Certain Indians entitled to benefit of homestead laws.

R. S., §§ 2289, 2302.

1884, July 4, ch. 180, par. 5, post, p. 450.

1887, Feb. 8, ch. 119, post, p. 534.

1891, Feb. 28, ch. 383, post, p. 897.

—not to alienate same, &c. 450.

—interest of, in tribal property, &c.

—entries of homestead by, heretofore made, confirmed.

And the proceeds of all sales of subsistence-supplies shall hereafter be exempt from being covered into the Treasury and shall be immediately available for the purchase of fresh supplies. * *

SEC. 4. * * That the provisions contained in the act approved March third eighteen hundred and sixty-nine, entitled (1) "An act making appropriations to supply deficiencies in the appropriations for the service of the Government for the fiscal year ending June thirtieth, eighteen hundred and sixty-nine, and for other purposes," limiting the compensation to be allowed for the disbursement of moneys appropriated for the construction of any public building was intended and shall be deemed and held to limit the compensation to be allowed to any disbursing officer who disburses moneys appropriated for and expended in the construction of any public building as aforesaid to three-eighths of one per centum for said services. * *

SECS. 5-11. [*Temporary executed or superseded.*]

SEC. 12. That (2) section thirty-three hundred and nine of the revised statutes be so amended that the word seventy, wherever it occurs in the same, shall be stricken out and the word ninety be substituted therefor. * *

SEC. 13. [*Executed.*]

SEC. 14. That hereafter the commissions of all officers under the direction of and control of the Secretary of the Interior shall be made out and recorded in the Department of the Interior, and the seal of the said Department affixed thereto; any laws to the contrary notwithstanding:

Provided, That the said seal shall not be affixed to any such commission before the same shall have been signed by the President of the United States.

And all commissions heretofore issued in conformity to the provisions (3) of the third section of the act of thirty-first of May eighteen hundred and fifty-four, and all official acts done by officers thus commissioned are hereby declared legal and valid.

SEC. 15. That any Indian born in the United States, who is the head of a family, or who has arrived at the age of twenty-one years, and who has abandoned, or may hereafter abandon, his tribal relations, shall, on making satisfactory proof of such abandonment, under rules to be prescribed by the Secretary of the Interior, be entitled to the (4) benefits of the act entitled "An act to secure homesteads to actual settlers on the public domain," approved May twentieth, eighteen hundred and sixty-two, and the acts amendatory thereof, except that the provisions of the eighth section of the said act shall not be held to apply to entries made under this act:

Provided, however, That the title to lands acquired by any Indian by virtue hereof shall not be subject to alienation or incumbrance, either by voluntary conveyance or the judgment, decree, or order of any court, and shall be and remain inalienable for a period of five years from the date of the patent issued therefor:

Provided, That any such Indian shall be entitled to his distributive share of all annuities, tribal funds, lands, and other property, the same as though he had maintained his tribal relations; and any transfer, alienation, or incumbrance of any interest he may hold or claim by reason of his former tribal relations shall be void.

SEC. 16. That in all cases in which Indians have heretofore entered public lands under the homestead-law, and have proceeded in accordance with the regulations prescribed by the Commissioner of the General Land Office, or in which they may hereafter be allowed to so enter under said regulations prior to the promulgation of regulations to be established by the Secretary of the Interior under the

Notes.—(1) The provisions of the act of 1869, ch. 123 (15 Stat. L., 312) here referred to, are incorporated into Revised Statutes in § 3654.

(2) This amendment has been incorporated into the second edition of the Revised Statutes.

(3) The section here referred to, 1854, ch. 60, § 3 (10 Stat. L., 297), was the same as the first paragraph of this section, but was omitted from the Revised Statutes.

(4) The provisions here referred to are incorporated into Revised Statutes in the sections noted in the margin. The eighth section of the act of 1862, ch. 75 (12 Stat. L., 362), here excepted, forms § 2301 of Revised Statutes.

fifteenth section of this act, and in which the conditions prescribed by law have been or may be complied with, the entries so allowed are hereby confirmed, and patents shall be issued thereon; subject, however, to the restrictions and limitations contained in the fifteenth section of this act in regard to alienation and incumbrance. [March 3, 1875.]

CHAP. 132.—An act making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty-stipulations with various Indian tribes, for the Year ending June thirtieth, eighteen hundred and seventy-six, and for other purposes.

March 3, 1875.

18 Stat. L., 420.

Be it enacted, &c., * * * [Par. 1.] That after the commencement of the next fiscal year there shall be but three inspectors; (1) and that provision of law requiring that each agency shall be visited and examined by one or more of the inspectors at least twice in each year is hereby repealed. * *

Three Indian inspectors only, and agencies need not be inspected twice a year. R. S., §§ 2043-2045.

[Par. 2.] That the Secretary of the Interior be authorized to withhold, from any tribe of Indians who may hold any captives other than Indians, any moneys due them from the United States until said captives shall be surrendered to the lawful authorities of the United States. * *

No payments to Indians holding captives. R. S., § 2102.

SEC. 2. That none of the appropriations herein made, or of any appropriations made for the Indian service, shall be paid to any band of Indians or any portion of any band while at war with the United States or with the white citizens of any of the States or Territories.

—nor to Indians at war with United States. R. S., § 2100.

SEC. 3. That for the purpose of inducing Indians to labor and become self-supporting, it is provided that hereafter, in distributing the supplies and annuities to the Indians for whom the same are appropriated, the agent distributing the same shall require all able-bodied male Indians between the ages of eighteen and forty-five to perform service upon the reservation, for the benefit of themselves or of the tribe, at a reasonable rate, to be fixed by the agent in charge, and to an amount equal in value to the supplies to be delivered; and the allowances provided for such Indians shall be distributed to them only upon condition of the performance of such labor, under such rules and regulations as the agent may prescribe:

Indians to be required to labor on reservations to amount of supplies and annuities distributed. R. S., § 2086.

Provided, That the Secretary of the Interior may, by written order, except any particular tribe, or portion of tribe, from the operation of this provision where he deems it proper and expedient.

—may be exempted by Secretary of the Interior.

SEC. 4. That hereafter, for the purpose of properly distributing the supplies appropriated for the Indian service, it is hereby made the duty of each agent in charge of Indians and having supplies to distribute, to make out, at the commencement of each fiscal year, rolls of the Indians entitled to supplies at the agency, with the names of the Indians and of the heads of families or lodges, with the number in each family or lodge, and to give out supplies to the heads of families, and not to the heads of tribes or bands, and not to give out supplies for a greater length of time than one week in advance.

Agents to make rolls of Indians entitled to supplies; how to distribute supplies. R. S., § 2109. 1884, July 4, ch. 180, § 9, *post*, p. 451.

SEC. 5. That hereafter not more than six thousand dollars shall be paid in any one year for salaries or compensation of employees at any one agency, in addition to the salaries of the agent, and not more at any one agency than is absolutely necessary;

—limit of employees of. 1880, May 11, ch. 85, par. 2, *post*, p. 282.

And where Indians can perform the duties they shall be employed; and the number and kind of employees at each agency shall be prescribed by the Secretary of the Interior, and none others shall be employed.

Indians to be employed. R. S., § 2069. 1882, May 17, ch. 163, § 6, *post*, p. 343.

Indian agents shall be required to state, under oath, upon rendering

Agent's oath to accounts.

NOTE.—(1) Notwithstanding this provision appropriations have been annually made from 1880 to 1891 "for pay of five Indian inspectors, at \$3,000 per annum," and for their traveling expenses. 21 Stat. L., 116, 487. 22 Stat. L., 70, 494; 23 Stat. L., 77, 364; 24 Stat. L., 30, 450; 25 Stat. L., 219, 932; 26 Stat. L., 336, 991; 24 C. Cls. 433.

their quarterly accounts, that the employees claimed for were actually and bona fide employed at such agency, and at the compensation as claimed, and that such service was necessary; and that such agent is not to receive, and has not received, directly or indirectly, any part of the compensation claimed for any other employee: *Provided*, That when there is no officer authorized to administer oaths within convenient distance of such agent, the Secretary of the Interior may direct such returns to be made upon certificate of the agent;

And provided further, That in case it should be necessary, at any agencies, to have more employees than provided for in this section, the Secretary may, by written order, authorize the increase necessary; but in no case shall the amount expended at any agency exceed ten thousand dollars in any one year; and the provision of this section shall apply to the fiscal year ending June thirtieth, eighteen hundred and seventy-five.

SEC. 6. That hereafter, it shall be the duty of the Secretary of the Interior, and the officers charged by law with the distribution of supplies to the Indians, under appropriations made by law, to distribute them and pay them out to the Indians entitled to them, in such proper proportions as that the amount of appropriation made for the current year shall not be expended before the end of such current year, so as to prevent deficiencies;

And no expenditure shall be made or liability incurred on the part of the Government on account of the Indian service for any fiscal year (unless in compliance with existing law) beyond the amount of money previously appropriated for said service during such year.

SEC. 7. * * That copies of all contracts made by the Commissioner of Indian Affairs, or any other officer of the Government, for the Indian service, shall be furnished to the Second Auditor of the Treasury before any payment shall be made thereon.

R. S., § 3744. 1876, Aug. 13, ch. 289, § 3, *post*, p. 121.

SEC. 8. That hereafter, the Secretary of the Interior cause to be prepared and delivered to the Public Printer, on or before the first day of November in each year, a tabular statement of the items paid out up to that date of the appropriations made for the Indian Department for the fiscal year previously ending, each item being placed under the appropriation from which it was paid, in such manner as to show the disposition made of each appropriation and the amount unexpended of each; also an itemized statement of the salaries and incidental expenses paid at each agency for the said year, and the appropriations out of which paid, and the number of Indians at each agency; and that the same be laid before Congress on the first day of the succeeding session;

And that the report of the Commissioner of Indian Affairs, with the reports of agents, be printed and laid before Congress on the first day of the said session.

SEC. 9. That hereafter all bidders under any advertisement published by the Commissioner of Indian Affairs for proposals for goods, supplies, transportation, and so forth, for and on account of the Indian service, whenever the value of the goods, supplies, and so forth, to be furnished, or the transportation to be performed, shall exceed the sum of five thousand dollars, shall accompany their bids with a certified check, or draft payable to the order of the Commissioner of Indian Affairs, upon some United States depository or some one of such solvent national banks as the Secretary of the Interior may designate, which check or draft shall be five per centum on the amount of the goods, supplies, transportation, and so forth, as aforesaid;

And in case any such bidder, on being awarded a contract, shall fail to execute the same with good and sufficient sureties according to the terms on which such bid was made and accepted, such bidder

Increase of employees; how obtained.

Appropriations for Indian supplies to be so distributed as to prevent deficiencies.

R. S., § 3679.

—not to be exceeded in any year.

1891, March 3, ch. 543, § 4, *post*, p. 928.

Copies of contracts for Indian service to be furnished Second Auditor.

R. S., § 3744. 1876, Aug. 13, ch. 289, § 3, *post*, p. 121.

Secretary of Interior to print and lay before Congress annually a statement of items of expenditure of Indian appropriations, statement of salaries, &c.

R. S., § 445.

Commissioner of Indian Affairs—when to report.

R. S., §§ 468, 469.

Bidders on account of Indian service in amounts exceeding \$5,000 to accompany bids with certified checks, &c.

R. S., § 3709.

1877, March 3, ch. 101, *post*, p. 134.

shall forfeit the amount so deposited to the United States, and the same shall forthwith be paid into the Treasury of the United States;

But if such contract shall be duly executed, as aforesaid, such draft or check so deposited shall be returned to the bidder.

SEC. 10. That hereafter the security or securities, upon the bond required by the act of February twenty-seventh, eighteen hundred and fifty-one, (2) to be given by each Indian agent before entering upon the duties of his office, shall file a sworn statement with the Secretary of the Interior, setting forth the nature and kind of property owned by such security or securities, the value of the same, and where situated; and that no money appropriated by this act shall be paid to any Indian agent hereafter appointed until the security or securities shall have filed such statement.

Each Indian agent shall keep a book of itemized expenditures of every kind, with a record of all contracts, together with the receipts of money from all sources; and the books thus kept shall always be open to inspection; and the said books shall remain in the office at the respective reservations, not to be removed from said reservation by said agent, but shall be safely kept and handed over to his successor; and true transcripts of all entries of every character in said books shall be forwarded quarterly by each agent to the Commissioner of Indian Affairs:

Provided, That should any agent knowingly make any false entry in said books, or in the transcripts directed to be forwarded to the Commissioner of Indian Affairs, or shall knowingly fail to keep a perfect entry in said books as herein prescribed, he shall be deemed guilty of a misdemeanor, and, on conviction before any United States court having jurisdiction of such offense, shall be fined in a sum not less than five hundred nor more than one thousand dollars, at the discretion of the court, and shall be rendered incompetent to hold said office of Indian agent after conviction under this act. *

[March 3, 1875.]

NOTE.—(2) The provision of the act of 1851, Feb. 27, ch. 14, § 6 (9 Stat. L., 587), is incorporated into Revised Statutes, § 2067.

CHAP. 133.—An act making appropriations for the support of the Army for the fiscal year ending June thirtieth, eighteen hundred and seventy-six, and for other purposes.

Be it enacted, &c., * * * [Par. 1.] That (1) hereafter only actual travelling expenses shall be allowed to any person holding employment or appointment under the United States, except marshals, district attorneys, and clerks of the courts of the United States and their deputies; and all allowances for mileages and transportation in excess of the amount actually paid, except as above excepted, are hereby declared illegal; and no credit shall be allowed to any of the disbursing-officers of the United States for payment or allowances in violation of this provision. * *

[Par. 2.] That no money shall hereafter be paid to any railroad company for the transportation of any property or troops of the United States over any railroad which in whole or in part was constructed by the aid of a grant of public land on the condition that such railroad should be a public highway for the use of the Government of the United States free from toll or other charge, or upon any other conditions for the use of such road, for such transportation; nor shall any allowance be made for the transportation of offi-

NOTE.—(1) This provision, without the word "hereafter" and without the exception appearing herein, first appeared in 1874, June 16, ch. 285 (18 Stat. L., 72). It is thus superseded by this act, and is consequently omitted from this volume, although amendments made by 1875, ch. 95, and 1876, ch. 159 (cited below), refer to the act of 1874 instead of to this act. Changes of law are made by 1875, Feb. 20, ch. 95, § 7, *ante*, p. 66, allowing mileage to judicial officers, as in this act; 1876, June 30, ch. 159, par. 1, *post*, p. 109, allowing mileage to naval officers (amended by 1882, Aug. 5, ch. 391, par. 5, *post*, p. 377, repealing mileage for travel abroad); and 1876, July 24, ch. 223, § 2, *post*, p. 113, allowing mileage to Army officers, regulated by 1883, March 3, ch. 93, par. 2, *post*, p. 400; 1890, June 13, ch. 423, par. 7, *post*, p. 756 (see note thereto), and 1890, Sept. 19, ch. 907, § 15, *post*, p. 808; and 1878, June 11, ch. 181, § 1, *post*, p. 180, and 1879, Feb. 14, ch. 68, par. 2, *post*, pp. 216, 217, allowing mileage to Board of Visitors to Military and Naval Academies.

Sureties on Indian agents' bond to file statement of property.

R. S., § 2057.

Indian agents to keep book of expenditures, &c., and forward transcripts to Commissioner.

R. S., § 2058.

—punishment for failing to keep books, &c.

1874, June 22, ch. 389, and note, *ante*, p. 31.

March 3, 1875.

18 Stat. L., 452.

Actual traveling expenses only to officers and employés, except marshals, district attorneys, and clerks of courts.

R. S., §§ 74, 1273, 1289, 1290, 1566, 3157.

Land-grant railroads not to be paid for transportation of property, troops, officers, &c., of the United States.

1882, Aug. 5, ch. 390, par. 1, *post*, p. 375.

93 U. S. 442. 12 C. Cls., 295. 13 C. Cls., 562. 15 C. Cls., 126, 428. 18 C. Cls., 359, 618. 19 Fed. Rep., 807.

—may bring suits therefor in Court of Claims, with right of appeal. R. S., §§ 707, 708, 1059.

15 C. Cls., 126, 428; 16 Opins., 605.

cers of the Army over any such road when on duty and under orders as military officers of the United States.

But nothing herein contained shall be construed as preventing any such railroad from bringing a suit in the Court of Claims for the charges for such transportation, and recovering for the same if found entitled thereto by virtue of the laws in force prior to the passage of this act; provided that the claim for such charges shall not have been barred by the statute of limitations at the time of bringing the suit, and either party shall have the right of appeal to the Supreme Court of the United States;

—certain roads exempt from these provisions.

And provided further, That the foregoing provision shall not apply for the current fiscal year, nor thereafter, to roads where the sole condition of transportation is that the company shall not charge the Government higher rates than they do individuals for like transportation, and when the Quartermaster-General shall be satisfied that this condition has been faithfully complied with. * *

Money not to be expended at armories in perfecting inventions by Army officers. R. S., §§ 1663, 1673. 1883, March 3, ch. 143, par. 5, post, p. 420.

[Par. 3.] For manufacture at national armories, * * * Provided, That hereafter no money shall be expended at said armories in the perfection of patentable inventions in the manufacture of arms by officers of the Army otherwise compensated for their services to the United States.

Secretary of War to give preference to domestic materials and labor. R. S., § 3717.

SEC. 2. That in all contracts for material for any public improvement, the Secretary of War shall give preference to American material; and all labor thereon shall be performed within the jurisdiction of the United States. * * * [March 3, 1875.] 1888, Sept. 22, ch. 1028, § 6, post, p. 620.

March 3, 1875.

CHAP. 135.—An act making appropriations for the support of the Military Academy for the year ending June thirtieth, eighteen hundred and seventy-six.

18 Stat. L., 467.

Military Academy, vacancies in, how filled.

Be it enacted, &c., * * * [Par. 1.] That the President of the United States be authorized to fill any vacancy occurring at said academy by reason of death, or other cause, of any person appointed by him.

R. S., §§ 1309-1341.

—assistant instructors of tactics, pay of.

That the assistant instructors of tactics commanding cadet companies at West Point shall receive the same pay and allowances as assistant professors in the other branches of study. * * * 1880, June 1, ch. 115, post, p. 290. 1882, June 30, ch. 255, par. 1, post, p. 349.

R. S., § 1337.

—books to be sold to cadets at cost.

[Par. 2.] For * * * text-books, books of reference, * * * printing and binding text-books prepared for the special instruction of the cadets, * * * Provided, That said books shall be sold to the cadets at cost price, and the amount received therefor covered into the Treasury; * * * [March 3, 1875.]

R. S., §§ 1309-1341.

March 3, 1875.

CHAP. 136.—An act restricting the refunding of custom duties and prescribing certain regulations of the Treasury Department

18 Stat. L., 469.

Secretary of Treasury restricted in power to refund customs duties paid.

Be it enacted, &c., That no moneys collected as duties on imports, in accordance with any decision, ruling, or direction previously made or given by the Secretary of the Treasury, shall, except as hereinafter provided, be refunded or repaid, unless in accordance with the judgment of a circuit or district court of the United States giving construction to the law, and from which the Attorney-General shall certify that no appeal or writ of error will be taken by the United States; or unless in pursuance of a special appropriation for the particular refund or repayment to be made:

R. S., §§ 2984, 3012, 3013. 5292.

1890, June 10, ch. 407, § 15, post, p. 751.

15 Opins., 127. 10 Fed. Rep., 89.

—except in cases of error of facts.

Provided, That whenever the Secretary shall be of opinion that such duties have been assessed and collected under an erroneous view of the facts in the case, he may authorize a re-examination and

reliquidation in such case, and make such refund in accordance with existing laws as the facts so ascertained shall, in his opinion, justify; but no such reliquidation shall be allowed unless protest and appeal shall have been made as required by law:

Provided further, That the restrictive provisions of this act shall not apply to such personal and household effects and other articles, not merchandise, as are by law exempt from duty:

And provided also, That this act shall not affect the refund of excess of deposits based on estimated duties nor prevent the correction of errors in liquidation, whether for or against the Government, arising solely upon errors of fact discovered within one year from the date of payment, and, when in favor of the Government, brought to the notice of the collector within ten days from the date of discovery.

SEC. 2. That no ruling or decision once made by the Secretary of the Treasury, giving construction to any law imposing customs duties, shall be reversed or modified adversely to the United States, by the same or a succeeding Secretary, except in concurrence with an opinion of the Attorney-General recommending the same, or a judicial decision of a circuit or district court of the United States conflicting with such ruling or decision, and from which the Attorney-General shall certify that no appeal or writ of error will be taken by the United States:

Provided, That the Secretary of the Treasury may in his discretion, decline to acquiesce in the judgment, decision, or ruling of an inferior court upon any question affecting the interests of the United States, when, in his opinion, such interests require a final adjudication of such question by the court of last resort.

SEC. 3. That the Secretary of the Treasury shall have power to make such regulations, not inconsistent with law, as may be necessary to carry this act into effect.

SEC. 4. That the Secretary of the Treasury shall, in his annual report to Congress, give a detailed statement of the various sums of money refunded under the provisions of this act or of any other act of Congress relating to the revenue, together with copies of the rulings under which repayments were made:

Provided, That in all cases where the Secretary of the Treasury shall so request the Attorney-General shall take an appeal to the Supreme Court. [March 3, 1875.]

CHAP. 137.—An act to determine the jurisdiction of circuit courts of the United States, and to regulate the removal of causes from State courts, and for other purposes.

Be it enacted, &c. [For substitute for sections 1, 2, 3, see 1888, Aug. 13, ch. 866, § 1, post, p. 611.]

SEC. 4. That when any suit shall be removed from a State court to a circuit court of the United States, any attachment or sequestration of the goods or estate of the defendant had in such suit in the State court shall hold the goods or estate so attached or sequestered to answer the final judgment or decree in the same manner as by law they would have been held to answer final judgment or decree had it been rendered by the court in which said suit was commenced;

And all bonds, undertakings, or security given by either party in such suit prior to its removal shall remain valid and effectual, notwithstanding said removal;

And all injunctions, orders, and other proceedings had in such suit prior to its removal shall remain in full force and effect until dissolved or modified by the court to which such suit shall be removed.

SEC. 5. That if, in any suit commenced in a circuit court, or removed from a State court to a circuit court of the United States, it shall

—Restrictive provisions not to apply to personal effects, &c., not dutiable.

—and cases of excess of deposits on estimated duties.
R. S., §30124.

—decisions of, as to customs duties, not to be reversed, or modified adversely to United States, except, &c.

R. S., §§ 249, 2652, 5293.

1890, June 10, ch. 407, § 15, post, p. 751.

—may decline to acquiesce in decision of inferior courts in any case.
16 Opins., 29, 94.

Secretary of Treasury to make regulations.

R. S., § 249.

—to report to Congress annually statement of money refunded.

R. S., §§ 257-262.

—may require Attorney-General to appeal any case.

March 3, 1875.

18 Stat. L., 470.

In cases removed from State courts, previous attachments, bonds, security, orders, &c., to remain valid.

R. S., § 646.
113 U. S., 725.

Suits improperly in circuit court

may be dismissed or remanded.

R. S., § 639.
104 U. S., 209;
106 U. S., 586; 111
U. S., 379; 114 U.
S., 138; 116 U. S.,
588; 127 U. S., 322;
129 U. S., 325; 134
U. S., 251; 138 U.
S., 694.

Proceedings in suits removed.

13 Blatch., 227;
15 Blatch., 403; 3
Hughes, 449; 13
Fed. Rep., 801; 17
Fed. Rep., 273, 279; 3 Hughes, 452.

—time for filing copy of record and appearance in.

—refusal of clerk of State court to furnish copies, how punished.

R. S., § 462.

—court may issue mandamus to compel return of record, &c., or may make order as to production of copy, &c.

Absent defendants in suits in circuit courts to enforce liens, remove incumbrances or cloud on title to

appear to the satisfaction of said circuit court, at any time after such suit has been brought or removed thereto, that such suit does not really and substantially involve a dispute or controversy properly within the jurisdiction of said circuit court, or that the parties to said suit have been improperly or collusively made or joined, either as plaintiffs or defendants, for the purpose of creating a case cognizable or removable under this act, the said circuit court shall proceed no further therein, but shall dismiss the suit or remand it to the court from which it was removed as justice may require, and shall make such order as to costs as shall be just; [*Lines omitted expressly repealed 1888, Aug. 13, ch. 866, § 6, post, p. 614.*]

SEC. 6. That the circuit court of the United States shall, in all suits removed under the provisions of this act, proceed therein as if the suit had been originally commenced in said circuit court, and the same proceedings had been taken in such suit in said circuit court as shall have been had therein in said State court prior to its removal.

SEC. 7. That in all causes removable under this act, if the term of the circuit court to which the same is removable, then next to be holden, shall commence within twenty days after filing the petition and bond in the State court for its removal, then he or they who apply to remove the same shall have twenty days from such application to file said copy of record in said circuit court and enter appearance therein; and if done within said twenty days, such filing and appearance shall be taken to satisfy the said bond in that behalf;

That if the clerk of the State court in which any such cause shall be pending, shall refuse to any one or more of the parties or persons applying to remove the same, a copy of the record therein, after tender of legal fees for such copy, said clerk so offending shall be deemed guilty of a misdemeanor, and, on conviction thereof in the circuit court of the United States to which said action, or proceeding was removed, shall be punished by imprisonment not more than one year, or by fine not exceeding one thousand dollars, or both in the discretion of the court.

And the circuit court to which any cause, shall be removable under this act shall have power to issue a writ of certiorari to said State court commanding said State court to make return of the record in any such cause removed as aforesaid, or in which any one or more of the plaintiffs or defendants have complied with the provisions of this act for the removal of the same, and enforce said writ according to law;

And if it shall be impossible for the parties or persons removing any cause under this act, or complying with the provisions for the removal thereof, to obtain such copy, for the reason that the clerk of said State court refuses to furnish a copy, on payment of legal fees, or for any other reason, the circuit court shall make an order requiring the prosecutor in any such action or proceeding to enforce forfeiture or recover penalty as aforesaid, to file a copy of the paper or proceeding by which the same was commenced, within such time as the court may determine; and in default thereof the court shall dismiss the said action or proceeding;

But if said order shall be complied with, then said circuit-court shall require the other party to plead, and said action, or proceeding shall proceed to final judgment; and the said circuit court may make an order requiring the parties thereto to plead de novo; and the bond given, conditioned as aforesaid, shall be discharged so far as it requires copy of the record to be filed as aforesaid.

SEC. 8. That when in any suit, commenced in any circuit court of the United States, to enforce any legal or equitable lien upon, or claim to, or to remove any incumbrance or lien or cloud upon the title to real or personal property within the district where such suit is brought, one or more of the defendants therein shall not be an

inhabitant of, or found within, the said district, or shall not voluntarily appear thereto, it shall 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.

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 representatives 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.

SEC. 10. That all acts and parts of acts in conflict with the provisions of this act are hereby repealed. [March 3, 1875.]

property, how served with process, &c.

R. S., §§ 737, 738.
1888, Aug. 13, ch. 866, § 5, *post*, p. 614.
4 Hughes, 331; 8 Fed. Rep., 670; 10 Fed. Rep., 605; 13 Fed. Rep., 859; 14 Fed. Rep., 208; 16 Fed. Rep., 307; 17 Fed. Rep., 712; 27 Fed. Rep., 339.

—adjudication against, to affect only property.

—suits may be brought in district where part of property is.

R. S., §§ 740–742.

—defendants not personally notified may appear within year after judgment, &c.

Death of party to final judgment in circuit court before time for appeal or writ of error expired; proceedings.

R. S., §§ 955, 956.
139 U. S., 385.

Repeal.

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

March 3, 1875.

Be it enacted, &c., 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:

18 Stat. L., 473.
Manslaughter; how punished.
R. S., § 5343.
R. S. of D. C., § 1150.

Provided, That this act shall not affect or apply to any prosecution now pending, or the prosecution of any offence already committed.

Repeal.

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. [March 3, 1875.]

March 3, 1875.

18 Stat. L., 474.

Colorado to form State government for admission into the Union.

1876, June 26, ch. 147, *post*, p. 106.
4 Dillon, 251.

CHAP. 139.—An act to enable the people of Colorado to form a constitution and State government, and for the admission of the said State into the Union on an equal footing with the original States (1)

Be it enacted, &c., That the inhabitants of the Territory of Colorado included in the boundaries hereinafter designated be, and they are hereby, authorized to form for themselves, out of said Territory, a State government, with the name of the State of Colorado; which State, when formed, shall be admitted into the Union upon an equal footing with the original States in all respects whatsoever, as hereinafter provided.(2)

SEC. 2. [*Gives boundaries of State.*]

SECS. 3, 4, 5. [*Executed.*]

SEC. 6. [*Superseded*, 1891, Feb. 7, ch. 116, § 1, *post*, p. 888.]

School lands.
R. S., § 2449.
1884, April 2, ch. 20, *post*, p. 424.

SEC. 7. That sections numbered sixteen and thirty-six in every township, and where such sections have been sold or otherwise disposed of by any act of Congress, other lands, equivalent thereto, in legal subdivisions of not more than one quarter-section, and as contiguous as may be, are hereby granted to said State for the support of common schools.

SECS. 8, 9, 10, 11. [*Executed.*]

Five per cent. of sales of public lands for internal improvements.

SEC. 12. That five per centum of the proceeds of the sales of agricultural public lands lying within said State which shall be sold by the United States subsequent to the admission of said State into the Union, after deducting all the expenses incident to the same, shall be paid to the said State for the purpose of making such internal improvements within said State as the legislature thereof may direct: *Provided*, That this section shall not apply to any lands disposed of under the homestead laws of the United States, or to any lands now or hereafter reserved for public or other uses.

SEC. 13. [*Executed.*]

School-fund.

SEC. 14. That the two sections of land in each township herein granted for the support of common schools shall be disposed of only at public sale and at a price not less than two dollars and fifty cents per acre, the proceeds to constitute a permanent school-fund, the interest of which to be expended in the support of common schools.

Mineral lands.
R. S., § 2318.

SEC. 15. That all mineral-lands shall be excepted from the operation and grants of this act. [March 3, 1875.]

NOTES.—(1) For subsequent laws admitting States into the Union, see 1889, Feb. 22, ch. 180, *post*, p. 645. North and South Dakota, Montana, and Washington; 1890, July 3, ch. 656, *post*, p. 764, Idaho, and 1890, July 10, ch. 664, *post*, p. 768, Wyoming.

(2) The President issued his proclamation Aug. 1, 1876 (No. 6, 19 Stat. L., 665), declaring the admission of Colorado as a State into the Union as complete.

March 3, 1875.

18 Stat. L., 477.

CHAP. 141.—An act supplementary to the acts in relation to immigration. (1)

Consular officers to certify whether immigrants from

Be it enacted, &c., That in determining whether the immigration of any subject of China, Japan, or any Oriental country, to the United States, is free and voluntary, as provided by section two

NOTE.—(1) For review of laws relating to Chinese immigration, see note to 1898, Oct. 1, ch. 1064, *post*, p. 625. For review of laws forbidding other immigration, see note to 1891, March 3, ch. 551, *post*, p. 934.

thousand one hundred and sixty-two of the Revised Code, title "Immigration," it shall be the duty of the consul-general or consul of the United States residing at the port from which it is proposed to convey such subjects, in any vessels enrolled or licensed in the United States, or any port within the same, before delivering to the masters of any such vessels the permit or certificate provided for in such section, to ascertain whether such immigrant has entered into a contract or agreement for a term of service within the United States, for lewd and immoral purposes; and if there be such contract or agreement, the said consul-general or consul shall not deliver the required permit or certificate.

SEC. 2. That if any citizen of the United States, or other person amenable to the laws of the United States, shall take, or cause to be taken or transported, to or from the United States any subject of China, Japan, or any Oriental country, without their free and voluntary consent, for the purpose of holding them to a term of service, such citizen or other person shall be liable to be indicted therefor, and, on conviction of such offense, shall be punished by a fine not exceeding two thousand dollars and be imprisoned not exceeding one year;

And all contracts and agreements for a term of service of such persons in the United States, whether made in advance or in pursuance of such illegal importation, and whether such importation shall have been in American or other vessels, are hereby declared void.

SEC. 3. That the importation into the United States of women for the purposes of prostitution is hereby forbidden; and all contracts and agreements in relation thereto, made in advance or in pursuance of such illegal importation and purposes, are hereby declared void; and whoever shall knowingly and willfully import, or cause any importation of, women into the United States for the purposes of prostitution, or shall knowingly or willfully hold, or attempt to hold, any woman to such purposes, in pursuance of such illegal importation and contract or agreement, shall be deemed guilty of a felony, and, on conviction thereof, shall be imprisoned not exceeding five years and pay a fine not exceeding five thousand dollars.

SEC. 4. That if any person shall knowingly and willfully contract, or attempt to contract, in advance or in pursuance of such illegal importation, to supply to another the labor of cooly or other person brought into the United States in violation of section two thousand one hundred and fifty-eight of the Revised Statutes, or of any other section of the laws prohibiting the cooly-trade or of this act, such person shall be deemed guilty of a felony, and, upon conviction thereof, in any United States court, shall be fined in a sum not exceeding five hundred dollars and imprisoned for a term not exceeding one year.

SEC. 5. That it shall be unlawful for aliens of the following classes to immigrate into the United States, namely, persons who are undergoing a sentence for conviction in their own country of felonious crimes other than political or growing out of or the result of such political offenses, or whose sentence has been remitted on condition of their emigration, and women "imported for the purposes of prostitution."

Every vessel arriving in the United States may be inspected under the direction of the collector of the port at which it arrives, if he shall have reason to believe that any such obnoxious persons are on board; and the officer making such inspection shall certify the result thereof to the master or other person in charge of such vessel, designating in such certificate the person or persons, if any there be, ascertained by him to be of either of the classes whose importation is hereby forbidden.

When such inspection is required by the collector as aforesaid, it shall be unlawful, without his permission, for any alien to leave any

China and Japan have contracted for immoral purposes.

R. S., § 2162.
1882, May 6, ch. 126; 1884, July 5, ch. 220; 1888, Oct. 1, ch. 1064, *post*, pp. 342, 458, 625.

Treaty proclamation.
22 Stat. L., 826.

Transportation of subjects of China or Japan, &c., without free consent; how punished.

R. S., § 2161.

Contracts for term of service void. 1885, Feb. 26, ch. 164, *ante*, p. 479.

Importation of women for purposes of prostitution; penalty.

7 Fed. Rep., 453.

Contracting to supply labor of cooly in violation of law; how punished.

R. S., §§ 2158-2164.

1885, Feb. 26, ch. 164; 1888, Oct. 19, ch. 1210, par. 1; 1891, March 3, ch. 551; *post*, pp. 479, 633, 934.

Immigration of convicts and of women for prostitution forbidden.

18 Opins., 239.

Vessels to be inspected when obnoxious immigrants believed to be on board.

R. S., § 4272.
1882, Aug. 2, ch. 374; Aug. 3, ch. 376; *post*, pp. 363, 370.

such vessel arriving in the United States from a foreign country until the inspection shall have been had and the result certified as herein provided;

Aliens of forbidden classes not to land, except, &c.

And at no time thereafter shall any alien certified to by the inspecting officer as being of either of the classes whose immigration is forbidden by this section, be allowed to land in the United States, except in obedience to a judicial process issued pursuant to law.

—may appeal from inspectors, &c.

If any person shall feel aggrieved by the certificate of such inspecting officer stating him or her to be within either of the classes whose immigration is forbidden by this section, and shall apply for release or other remedy to any proper court or judge, then it shall be the duty of the collector at said port of entry to detain said vessel until a hearing and determination of the matter are had, to the end that if the said inspector (2) shall be found to be in accordance with this section and sustained, the obnoxious person or persons shall be returned on board of said vessel, and shall not thereafter be permitted to land, unless the master, owner, or consignee of the vessel shall give bond and security, to be approved by the court or judge hearing the cause, in the sum of five hundred dollars for each such person permitted to land, conditioned for the return of such person, within six months from the date thereof, to the country whence his or her emigration shall have taken place, or unless the vessel bringing such obnoxious person or persons shall be forfeited, in which event the proceeds of such forfeiture shall be paid over to the collector of the port of arrival, and applied by him, as far as necessary, to the return of such person or persons to his or her own country within the said period of six months.

—if inspection sustained, persons to be returned to vessel, unless, &c.

—to be sent back by collector in certain cases.

Forfeiture of vessel for violations of act.

And for all violations of this act, the vessel, by the acts, omissions, or connivance of the owners, master, or other custodian, or the consignees of which the same are committed, shall be liable to forfeiture, and may be proceeded against as in cases of frauds against the revenue laws, for which forfeiture is prescribed by existing law. [March 3, 1875.]

(2) This word is so written on the roll.

March 3, 1875.

CHAP. 142.—An act to reduce and fix the Adjutant General's Department of the Army.

18 Stat. L., 478.

Be it enacted, &c. [Section 1, superseded, 1887, Feb. 28, ch. 287, post, p. 548.]

Suspension of appointments and promotions in Adjutant - General's office repealed.

Repeal of

R. S., § 1194.

SEC. 2. That so much of section six (1) of the act entitled "An act making appropriations for the support of the Army for the year ending June thirtieth, eighteen hundred and seventy, and for other purposes," approved March third, eighteen hundred and sixty-nine, as applies to the Adjutant General's Department, be, and the same is hereby, repealed. [March 3, 1875.]

NOTE.—(1) § 6 of the act of 1869, ch. 124 (15 Stat. L., 318), here referred to and in part repealed, forms § 1194 of the Revised Statutes. The whole section is repealed by 1877, March 3, ch. 100, post, p. 134.

March 3, 1875.

CHAP. 144.—An act to punish certain larcenies and the receivers of stolen goods.

18 Stat. L., 479.
Embezzling, stealing, &c., public property deemed felony; how punished.

R. S., § 1942, art. 60.

R. S., § 1624, art. 14.

Be it enacted, &c., That any person who shall embezzle, steal, or purloin any money, property, record, voucher, or valuable thing whatever, of the moneys, goods, chattels, records, or property of the United States, shall be deemed guilty of felony, and on conviction thereof before the district or circuit court of the United States in the district wherein said offense may have been committed, or into which he shall carry or have in possession of said property so em-

bezzled, stolen, or purloined, shall be punished therefor by imprisonment at hard labor in the penitentiary not exceeding five years, or by a fine not exceeding five thousand dollars, or both, at the discretion of the court before which he shall be convicted.

SEC. 2. That if any person shall receive, conceal, or aid in concealing, or have, or retain in his possession with intent to convert to his own use or gain, any money, property, record, voucher, or valuable thing whatever, of the moneys, goods, chattels, records, or property of the United States, which has theretofore been embezzled, stolen, or purloined from the United States by any other person, knowing the same to have been so embezzled, stolen, or purloined, such person shall, on conviction before the circuit or district court of the United States in the district wherein he may have such property, be punished by a fine not exceeding five thousand dollars, or imprisonment at hard labor in the penitentiary not exceeding five years, one or both, at the discretion of the court before which he shall be convicted;

And such receiver may be tried either before or after the conviction of the principal felon, but if the party has been convicted, then the judgment against him shall be conclusive evidence in the prosecution against such receiver that the property of the United States therein described has been embezzled, stolen, or purloined. [March 3, 1875.]

R. S., §§ 5439, 5453, 5475, 5477, 5483, 5488-5496, 5504.

Receivers, concealers, &c., of stolen public property; how punished.

—may be tried before or after conviction of principal.

CHAP. 145.—An act to provide for deductions from the terms of sentence of United States prisoners.

March 3, 1875.

188 Stat. L., 479.

Be it enacted, &c., That all prisoners who have been, or shall hereafter be, convicted of any offence against the laws of the United States, and confined, in execution of the judgment or sentence upon such conviction, in any prison or penitentiary of any State or Territory which has no system of commutation for its own prisoners, shall have a deduction from their several terms of sentence of five days in each and every calendar month during which no charge of misconduct shall have been sustained against each severally, who shall be discharged at the expiration of his term of sentence less the time so deducted, and a certificate of the warden or keeper of such prison penitentiary of such deduction shall be entered on the warrant of commitment:

Convicts for offenses against United States laws to have deduction from sentence for good conduct in prison.

R. S., §§ 5543, 5544.

1890, March 15, ch. 33, *post*, p. 708.

1891, March 3, ch. 529, § 8, *post*, p. 909.

14 Blatch., 344.

37 Fed. R., 649.

Provided, That, if during the term of imprisonment the prisoner shall commit any offence for which he shall be convicted by a jury, all remissions theretofore made shall be thereby annulled.

—unless they commit offenses during their term.

SEC. 2. That on the discharge from any prison of any person convicted under the laws of the United States on indictment, he or she shall be provided by the warden or keeper of said prison with one plain suit of clothes and five dollars in money, for which charge shall be made and allowed in the accounts of said prison with the United States:

—to be furnished with clothes and money in certain cases.

1891, March 3, ch. 529, § 6, *post*, p. 909.

Provided, That this section shall not apply to persons sentenced for a term of imprisonment of less than six months. [March 3, 1875.]

March 3, 1875.

18 Stat. L., 480.

Port Nobleboro, Me., to be Damariscotta.

Be it enacted, &c., That the name of the port of Nobleboro, in the county of Lincoln, State of Maine, is hereby changed to the port of Damariscotta. [March 3, 1875.]

R. S., § 2517,

par. 8. 1878, June 20, ch. 366, *post*, p. 203. 1881, Feb. 17, ch. 60, *post*, p. 316. 1886, May 17, ch. 339, *post*, p. 491.

March 3, 1875.

CHAP. 147.—An act authorizing the appointment of gaugers for the customs service at the port of Philadelphia.

18 Stat. L., 480.

Three gaugers for port of Philadelphia to be appointed; compensation, &c.

R. S., § 2544, par. 1.

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized to appoint three gaugers for the customs service at the port of Philadelphia from the list of officers now under appointment as inspectors, whose compensation shall be the same as that paid to the gaugers of the port of Boston:

Provided, That the number of officers or employees in the customs service at said port of Philadelphia shall not be hereby increased. [March 3, 1875.]

March 3, 1875.

CHAP. 148.—An act to transfer the county of Perry, in the State of Tennessee, from the western to the middle judicial district of the United States in said State.

18 Stat. L., 480.

Perry County, Tenn., added to middle judicial district.

R. S., § 547.

Be it enacted, &c., That the county of Perry, in the western judicial district of the United States, in the State of Tennessee, be, and the same is hereby set to, and shall hereafter compose a part of the middle judicial district of the United States in said State; and all cases now commenced or depending in said western district, affected by this act, shall be heard, tried and determined in the same manner as if this act had not been passed; and the prosecution of all crimes heretofore committed in said western district shall be prosecuted and punished in the same manner as if this act had not been passed.

SEC. 2. That this act shall take effect on the fourth Monday of May, eighteen hundred and seventy-five. [March 3, 1875.]

When act takes effect.

March 3, 1875.

CHAP. 149.—An act to provide for deducting any debt due the United States from any judgment recovered against the United States by such debtor.

18 Stat. L., 481.

Judgments and claims against United States subject to offsets of debts from creditors; proceedings in such cases.

R. S., §§ 1065, 1089, 1766, 4734.

14 C. Cls., 484; 17 C. Cls., 322; 10 Fed. Rep., 83; 30 Fed. Rep., 605; 119 U. S., 480.

—proceedings when claimant denies legality of set-off.

Be it enacted, &c., That when any final judgment recovered against the United States or other claim duly allowed by legal authority, shall be presented to the Secretary of the Treasury for payment, and the plaintiff or claimant therein shall be indebted to the United States in any manner, whether as principal or surety, it shall be the duty of the Secretary to withhold payment of an amount of such judgment or claim equal to the debt thus due to the United States; and if such plaintiff or claimant assents to such set off, and discharges his judgment or an amount thereof equal to said debt or claim, the Secretary shall execute a discharge of the debt due from the plaintiff to the United States.

But if such plaintiff, or claimant, denies his indebtedness to the United States, or refuses to consent to the set-off, then the Secretary shall withhold payment of such further amount of such judgment, or claim, as in his opinion will be sufficient to cover all legal charges and costs in prosecuting the debt of the United States to final judgment.

And if such debt is not already in suit, it shall be the duty of the Secretary to cause legal proceedings to be immediately commenced to enforce the same, and to cause the same to be prosecuted to final judgment with all reasonable dispatch.

And if in such action judgment shall be rendered against the United States, or the amount recovered for debt and costs shall be less than the amount so withheld as before provided, the balance shall then be paid over to such plaintiff by such Secretary with six per cent interest, thereon for the time it has been withheld from the plaintiff. [March 3, 1875.]

Balance, how paid when claimant obtains judgment against United States.

CHAP. 150.—An act to make East Pascagoula, in the State of Mississippi, a port of delivery in the district of Pearl River.

March 3, 1875.

18 Stat. L., 481.

Be it enacted, &c., That from and after the passage of this act East Pascagoula, in the State of Mississippi, in the district of Pearl River, shall be a port of delivery for said district. [March 3, 1875.]

East Pascagoula, Miss., to be port of delivery.
R. S., § 2566, par. 1.

CHAP. 151.—An act to protect ornamental and other trees on Government reservations and on lands purchased by the United States, and for other purposes.

March 3, 1875.

18 Stat. L., 481.

Be it enacted, &c., That if any person or persons shall knowingly and unlawfully cut, or shall knowingly aid, assist, or be employed in unlawfully cutting, or shall wantonly destroy or injure, or procure to be wantonly destroyed or injured, any timber-tree or any shade or ornamental tree, or any other kind of tree, standing, growing, or being upon any land of the United States, which, in pursuance of law, have been reserved, or which have been purchased by the United States for any public use, every such person or persons so offending, on conviction thereof before any circuit or district court of the United States, shall, for every such offense, pay a fine not exceeding five hundred dollars, or shall be imprisoned not exceeding twelve months.

Cutting or injuring, unlawfully, trees on lands of United States, &c.; how punished.
R. S., § 2461, 2475, 1876, April 29, ch. 86, *post*, p. 100.
1882, July 1, ch. 258, *post*, p. 349.

SEC. 2. That if any person or persons shall knowingly and unlawfully break or destroy any fence, wall, hedge, or gate inclosing any lands of the United States, which have, in pursuance of any law, been reserved or purchased by the United States for any public use, every such person so offending, on conviction, shall, for every such offense, pay a fine not exceeding two hundred dollars, or be imprisoned not exceeding six months.

Breaking fences, walls, &c., inclosing lands of United States; how punished.
1885, Feb. 25, ch. 149, *post*, p. 477.

SEC. 3. That if any person or persons shall knowingly and unlawfully break, open, or destroy any gate, fence, hedge, or wall inclosing any lands of the United States, reserved or purchased as aforesaid, and shall drive any cattle, horses, or hogs upon the lands aforesaid for the purpose of destroying the grass or trees on said grounds, or where they may destroy the said grass or trees, or if any such person or persons shall knowingly permit his or their cattle, horses, or hogs to enter through any of said inclosures upon the lands of the United States aforesaid, where the said cattle, horses or hogs may or can destroy the grass or trees or other property of the United States on the said land, every such person or persons so offending, on conviction, shall pay a fine not exceeding five hundred dollars, or be imprisoned not exceeding twelve months:

Breaking fences and driving cattle, &c., or permitting cattle to enter on lands of United States; how punished.

Provided, That nothing in this act shall be construed to apply to unsurveyed public lands and to public lands subject to pre-emption and homestead laws, or to public lands subject to an act to promote the development of the mining resources of the United States, approved May tenth, eighteen hundred and seventy-two. (1) [March 3, 1875.]

Act not to apply to lands subject to homestead or mining laws, &c.
R. S., §§ 2289-2317, 2318-2337.

NOTE.—(1) The act of 1872, ch. 152 (17 Stat. L., 91), is incorporated into Revised Statutes, §§ 2318-2337

CHAP. 152.—An act granting to railroads the right of way through the public lands of the United States.

March 3, 1875.

18 Stat. L., 482.

Be it enacted, &c., That the right of way through the public lands of the United States is hereby granted to any railroad company duly organized under the laws of any State or Territory, except the District of Columbia, or by the Congress of the United States, which shall have filed with the Secretary of the Interior a copy of its arti-

Right of way through public lands, materials, station-grounds, &c., granted to railroads.

R. S., §§ 5256-5262.

cles of incorporation, and due proofs of its organization under the same, to the extent of one hundred feet on each side of the central line of said road;

Also the right to take, from the public lands adjacent to the line of said road, material, earth, stone, and timber necessary for the construction of said railroad;

Also ground adjacent to such right of way for station-buildings, depots, machine shops, side-tracks, turn-outs, and water-stations, not to exceed in amount twenty acres for each station, to the extent of one station for each ten miles of its road.

Rights of several roads through cañon, pass, or defile, and crossing other roads at grade.

SEC. 2. That any railroad company whose right of way, or whose track or road-bed upon such right of way, passes through any cañon, pass, or defile, shall not prevent any other railroad company from the use and occupancy of the said cañon, pass, or defile, for the purposes of its road, in common with the road first located, or the crossing of other railroads at grade.

Wagon roads and highways; how affected.

And the location of such right of way through any cañon, pass, or defile shall not cause the disuse of any wagon or other public highway now located therein, nor prevent the location through the same of any such wagon road or highway where such road or highway may be necessary for the public accommodation;

And where any change in the location of such wagon road is necessary to permit the passage of such railroad through any cañon, pass, or defile, said railroad company shall before entering upon the ground occupied by such wagon road, cause the same to be reconstructed at its own expense in the most favorable location, and in as perfect a manner as the original road:

Provided, That such expenses shall be equitably divided between any number of railroad companies occupying and using the same cañon, pass, or defile.

Private lands and possessory claims; how condemned.

1862, ch. 120, (12 Stat. L., 489).

1864, ch. 216, § 3 (13 Stat. L., 357).

SEC. 3. That the legislature of the proper Territory may provide for the manner in which private lands and possessory claims on the public lands of the United States may be condemned; and where such provision shall not have been made, such condemnation may be made in accordance with section three of the act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes, approved July first, eighteen hundred and sixty-two," approved July second, eighteen hundred and sixty-four.

Profile of road claiming benefits, when to be filed, and lands to be sold subject to right of way.

SEC. 4. That any railroad-company desiring to secure the benefits of this act, shall, within twelve months after the location of any section of twenty miles of its road, if the same be upon surveyed lands, and, if upon unsurveyed lands, within twelve months after the survey thereof by the United States, file with the register of the land office for the district where such land is located a profile of its road; and upon approval thereof by the Secretary of the Interior the same shall be noted upon the plats in said office; and thereafter all such lands over which such right of way shall pass shall be disposed of subject to such right of way:

Section on which road is not completed in five years, how forfeited.

Provided, That if any section of said road shall not be completed within five years after the location of said section, the rights herein granted shall be forfeited as to any such uncompleted section of said road.

Act not to apply to lands in reservations, &c.

SEC. 5. That this act shall not apply to any lands within the limits of any military, park, or Indian reservation, or other lands especially reserved from sale, unless such right of way shall be provided for by treaty-stipulation or by act of Congress heretofore passed.

—may be altered by Congress.

SEC. 6. That Congress hereby reserves the right at any time to alter, amend, or repeal this act, or any part thereof. [March 3, 1875.]

CHAP. 153.—An act to amend sections one thousand six hundred and seventy-five, one thousand six hundred and seventy-six, one thousand six hundred and eighty-one, and one thousand six hundred and eighty-two of the Revised Statutes of the United States. (1)

March 3, 1875.

18 Stat. L., 483.

Be it enacted, &c., That section one thousand six hundred and seventy-five of the Revised Statutes be amended so as to read as follows:

Compensation of ambassadors, envoys, ministers plenipotentiary.

Substitute for

R. S., § 1675.

1879, Jan. 27, ch.

28, par. 2, and note, post, p. 209.

1882, Aug. 5, ch.

399, post, 379.

133 U. S., 180.

23 C. Cls., 443.

“SEC. 1675. Ambassadors and envoys extraordinary and ministers plenipotentiary shall be entitled to compensation at the rates following, per annum, namely:

“Those to France, Germany, Great Britain, and Russia, each, seventeen thousand five hundred dollars.

“Those to Austria, Brazil, China, Italy, Japan, Mexico, and Spain, each, twelve thousand dollars.

“Those to all other countries, unless where a different compensation is prescribed by law, each, ten thousand dollars.

“And, unless when otherwise provided by law, ministers resident and commissioners shall be entitled to compensation at the rate of seventy-five per centum, *chargés d'affaires* at rate of fifty per centum, and secretaries of legation at the rate fifteen per centum, of the amounts allowed to ambassadors, envoys extraordinary, and ministers plenipotentiary to the said countries respectively; except that the secretary of legation to Japan shall be entitled to compensation at the rate of twenty-five hundred dollars per annum.

—of ministers resident and commissioners.

“The second secretaries of the legations to France, Germany, and Great Britain shall be entitled to compensation at the rate of two thousand dollars each per annum.”

—of second secretaries of legation.

[*Rest of act superseded or repealed, 1879, Jan. 27, ch. 28, and note, post, p. 209; 1885, Feb. 25, ch. 150, par. 1, post, p. 478; and 1891, March 3, ch. 545, (26 Stat. L., 1053).*] [March 3, 1875.]

NOTE.—(1) This act has been incorporated into the second edition of the Revised Statutes in the proper sections.

CHAP. 154.—An act to amend section numbered three thousand three hundred and forty-two of the Revised Statutes of the United States in relation to affixing stamps on brewers' casks.

March 3, 1875.

18 Stat. L., 484.

Be it enacted, &c., That section numbered three thousand three hundred and forty-two of the Revised Statutes be amended so as to read as follows: (1)

Brewers' stamps, how procured, affixed, and canceled.

Substitute for
R. S., § 3342.

That 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 in the head 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, which stamp shall be destroyed by driving through the same the faucet through which the liquor is to be withdrawn, or an air-faucet of equal size, at the time the vessel is tapped, in case the vessel is tapped through the other spigot-hole, (of which there shall be but two, one in the head and one in the side,) 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. [March 3, 1875.]

Penalty for neglect by brewers.

NOTE.—(1) This act is incorporated in § 3342 of the second edition of the Revised Statutes.

March 3, 1875. **CHAP. 155.**—An act to amend section fourteen hundred and twenty-two of the Revised Statutes of the United States relating to the better government of the Navy. (1)

18 Stat. L., 484.

In Navy, petty-officers and men to be sent home at expiration of enlistment, unless detained for public interest.

Substitute for R. S., § 1422.

—persons enlisted out of United States, how discharged, &c.

—persons sent home are subject to regulations, &c.

—how long may be detained, and extra pay therefor.

Shipping-articles to contain this section.

R. S., § 1425.

Be it enacted, &c., That section fourteen hundred and twenty-two of the Revised Statutes of the United States be amended to read as follows: (1)

SEC. 1422. That 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 or to a Pacific port of the United States, as their enlistment may have occurred on either the Atlantic or Pacific coast 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 enlistment, or as soon thereafter as may be, unless, in his opinion, the detention of such persons for a longer period should be 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 or Pacific port.

All persons enlisted without the limits of the United States may be discharged, on the expiration of their enlistment, either in a foreign port or in a port of the United States, or they may be detained as above provided beyond the term of their enlistment;

And that all persons sent home, or detained by a commanding officer, according to the provisions of this act, shall be subject in all respects to the laws and regulations for the government of the Navy until their return to an Atlantic or Pacific port and their regular discharge;

And all persons so detained by such officer, or re-entering to serve until the return to an Atlantic or Pacific 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; and that all persons who shall be so detained beyond their terms of enlistment or who shall, after the termination of their enlistment, voluntarily re-enter to serve until the return to an Atlantic or Pacific port of the vessel to which they belong, and their regular discharge therefrom, shall receive for the time during which they are so detained, or shall so serve beyond their original terms of enlistment, an addition of one-fourth of their former pay;

Provided, That the shipping-articles shall hereafter contain the substance of this section. [March 3, 1875.]

NOTE.—(1) This act is incorporated into § 1422 of the second edition of the Revised Statutes.

March 3, 1875.

18 Stat. L., 485.

CHAP. 156.—An act to promote economy and efficiency in the marine-hospital service.

Be it enacted, &c. [Sections 1 and 2 repealed, 1884, June 26, ch. 121, § 15, post, 443.]

Meaning of word "seaman," as used in marine-hospital laws.

R. S., §§ 4801-4813.

Marine-hospital buildings may be leased.

R. S., § 4806.

SEC. 3. That term "seaman," wherever employed in legislation relating to the marine-hospital service, shall be held to include any person employed on board in the care, preservation, or navigation of any vessel, or in the service, on board, of those engaged in such care, preservation, or navigation.

SEC. 4. That the Secretary of the Treasury may rent or lease such marine-hospital buildings, and the lands appertaining thereto, as he may deem advisable in the interests of the marine-hospital service; and the proceeds of such rents or leases are hereby appropriated for the said service.

SEC. 5. That insane patients of said service shall be admitted into the Government Hospital for the Insane upon the order of the Secretary of the Treasury, and shall be cared for therein until cured or until removed by the same authority; and the charge for each such

Patients of marine-hospital service in Government Hospital for the Insane, &c.

patient shall not exceed four dollars and fifty cents a week, which charge shall be paid out of the marine-hospital fund.

R. S., § 4843.

1880, June 16, ch. 235, par. 7, *post*, p. 298.

SEC. 6. That sick and disabled seamen of foreign vessels and of vessels not subject to hospital-dues may be cared for by the marine-hospital service at such rates and under such regulations as the Secretary of the Treasury may prescribe.

— sick and disabled seamen of foreign vessels, &c., may be admitted.

SEC. 7. That the compensation of the Supervising Surgeon of the United States marine-hospital service shall be paid out of the marine-hospital fund, and the salary of the supervising surgeon shall be four thousand dollars a year.

Salary of Supervising Surgeon.

R. S. § 4802.

1875, March 3, ch. 130, par. 9, *ante*, p. 73.

SEC. 8. That all acts and parts of acts inconsistent with this act are hereby repealed. [*March 3, 1875.*]

Repeal.

CHAP. 157.—An act to abolish the consulate at Amoor River and establish a consulate at Vladivostock, Russia, and for other purposes.

March 3, 1875.

Be it enacted, &c., That Amoor River, in Russia, be discontinued as a consulate of class five, in schedule B, as the same was amended by chapter two hundred and seventy-five of the laws of the first session of the Forty-third Congress; and that Vladivostock be a consulate of class five, in schedule B,

18 Stat. L., 486.

Consulate at Amoor River discontinued.

R. S., § 1690.

1874, ch. 275 (18 Stat. L., 69).

And that the consul at Vladivostock and the consuls at Fayal and Auckland be, and they severally hereby are, exempted from the prohibition to engage in business and trade embraced in sections one thousand six hundred and ninety-nine and one thousand and seven hundred of the Revised Statutes of the United States. [*March 3, 1875.*]

Consuls at Vladivostock, Fayal, and Auckland may engage in trade.

R. S., §§ 1699, 1700.

CHAP. 159.—An act approving the action taken by the Secretary of War under the act approved July fifteenth eighteen hundred and seventy, and to provide for repayment of certain moneys paid to officers mustered out of the Army, as supernumerary, but subsequently reappointed by the President.

March 3, 1875.

18 Stat. L., 497.

Be it enacted, &c. [*Section 1 is executed.*]

SEC. 2. That hereafter whenever any person, who was mustered out as a supernumerary officer of the Army with one years pay and allowances, in addition to the pay and allowances due him at the date of his discharge, under the provisions of the act making appropriations for the support of the Army for the year ending June thirtieth eighteen hundred and seventy-one and for other purposes, approved July fifteenth eighteen hundred and seventy, shall be reappointed by the President, an officer of the Army, such appointment shall be under and with the express condition, that fifty per cent of such officers pay shall be stopped monthly, until the sum total of the extra years pay and allowances received by him, when mustered out as aforesaid, shall have been refunded to the United States. [*March 3, 1875.*]

Officers mustered out as supernumeraries under act of 1870, ch. 294, § 3 (16 Stat. L., 317), and reappointed; to refund one year's pay, &c. 15 Opins., 177.

CHAP. 162.—An act for the support of the government of the District of Columbia for the fiscal year ending June thirtieth, eighteen hundred and seventy-six, and for other purposes.

March 3, 1875.

18 Stat. L., 501.

Be it enacted, &c. * * SEC. 18. That the three-sixty-five registered bonds of the District of Columbia, authorized by acts of Congress, approved June twentieth, eighteen hundred and seventy-four, and February twentieth, eighteen hundred and seventy-five, in lieu of coupon bonds, may be issued in denominations of one thousand dollars and five thousand dollars. [*March 3, 1875.*]

Registered bonds may be issued of \$1,000 and \$5,000.

1874, June 20, ch. 337, § 7; 1875, Feb. 20, ch. 94;

ante, pp. 23, 64.

March 3, 1875.
18 Stat. L., 507.

CHAP. 167.—An act to authorize the Secretary of the Treasury to adjust and remit certain taxes and penalties claimed to be due from mining and other corporations, and for other purposes. (1)

Tax on circulating notes, &c., of mining and other corporations, except banks, prior to Nov., 1873, to be remitted.

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to settle and release any claims for tax on circulation of evidences of indebtedness made against any mining, manufacturing or other corporations other than against any national banking-association, State bank, or banking-association, by such corporations paying the tax, without penalty, that shall have accrued thereon since November first, eighteen hundred and seventy-three;

Ten per cent. tax on notes of persons, State banks, &c., to apply to evidences of indebtedness.

And that the provisions of section three thousand four hundred and twelve of the Revised Statutes of the United States shall not be construed in pending cases, except as to national banking-associations, to apply to such evidences of indebtedness issued and reissued prior to the passage of this act, but said section shall be construed as applying to such evidences of indebtedness issued after the passage hereof. [March 3, 1875.]

R. S., § 3412.
1875, Feb. 8, ch. 36, §§ 19, 20, ante, p. 61.

NOTE.—(1) This act is printed in full in the second edition of the Revised Statutes, after § 3412.

March 3, 1875.
18 Stat. L., 512.

CHAP. 178.—An act for the relief of General Samuel W. Crawford, and to fix the rank and pay of retired officers of the army.

Officers retired before March 3, 1875, for disability from wounds in action: rank of, on retired list.

Be it enacted, &c. * * * **SEC. 2.** That all officers of the Army who have been heretofore retired by reason of disability arising from wounds received in action shall be considered as retired upon the actual rank held by them, whether in the regular or volunteer service, at the time when such wound was received, and shall be borne on the retired list and receive pay hereafter accordingly; and this section shall be taken and construed to include those now borne on the retired list placed upon it on account of wounds received in action:

R. S., § 1254.
1891, March 3, ch. 540, par. 3, post, p. 925.
15 Opins., 83, 199, 209, 407.
15 C. Cls., 151.

Provided, That no part of the foregoing act shall apply to those officers who had been in service as commissioned officers twenty-five years at the date of their retirement; nor to those retired officers who had lost an arm or leg, or has an arm or leg permanently disabled by reason of resection, on account of wounds, or both eyes by reason of wounds received in battle;

— to be continued although they accept office in diplomatic or consular service.

And every such officer now borne on the retired list shall be continued thereon notwithstanding the provisions of section two chapter thirty-eight act of March thirty, eighteen hundred and sixty-eight; (1)

R. S., § 1223.

And be it also provided that no retired officer shall be affected by this act, who has been retired or may hereafter be retired on the rank held by him at the time of his retirement;

And that all acts or parts of acts inconsistent herewith be, and are hereby, repealed. [March 3, 1875.]

NOTE.—(1) The provisions of § 2 of the act of 1868, ch. 38 (15 Stat. L., 56), here referred to, are incorporated into Revised Statutes, § 1223.

March 3, 1875.

CHAP. 179.—An act extending the privilege of the Library of Congress to the Regents of the Smithsonian Institution.

18 Stat. L., 512.
Regents Smithsonian Institution may use Library of Congress.

R. S., § 94.
1890, Aug. 28, Res. No. 41, post, p. 894.

Be it enacted, &c., That the Joint Committee of both Houses of Congress on the Library be authorized to extend the use of the books in the Library of Congress to the Regents of the Smithsonian Institution resident in Washington on the same conditions and restrictions as members of Congress are allowed to use the Library. [March 3, 1875.]

FORTY-FOURTH CONGRESS—FIRST SESSION

IN

THE YEAR 1876.

CHAP. 4.—An act to amend Section three thousand seven hundred and sixty-seven of the revised statutes in relation to the purchase of paper for the public printing. (1)

Jan. 25, 1876.

19 Stat. L., 2.

Be it enacted, &c., That section three thousand seven hundred and sixty-seven of the Revised Statutes of the United States be and the same is hereby amended, so that it will read:

Standards and proposals for Government printing paper.

“The Joint Committee on Public Printing shall fix upon standards of paper for the different descriptions of public printing, and the Congressional Printer shall, under their direction, advertise in two newspapers, published in each of the cities of Boston, New York, Philadelphia, Baltimore, Washington and Cincinnati, for sealed proposals to furnish the Government with paper, as specified in the schedule to be furnished to applicants by the Congressional Printer, setting forth in detail the quality and quantities required for the Public Printing.” (1)

Substitute for
R. S., § 3767.
1876, July 31, ch. 246, par. 1, *post*, p. 114.
1878, Feb. 1, ch. 10, *post*, 151.
1882, Dec. 21, ch. 5, *post*, p. 389.
1883, Feb. 12, ch. 43, *post*, p. 397.
Repeal.

And all acts and parts of acts inconsistent with this act are hereby repealed. [*January 25, 1876.*]

NOTE.—1) The amendment made by this act is incorporated into the second edition of the Revised Statutes in section 3767.

CHAP. 5.—An act to amend the Revised Statutes relating to naturalization. (1)

Feb. 1, 1876.

19 Stat. L., 2.

Be it enacted, &c., That the declaration of intention to become a citizen of the United States, required by section two thousand one hundred and sixty-five of the Revised Statutes of the United States, may be made by an alien before the clerk of any of the courts named in said section two thousand one hundred and sixty-five; and all such declarations heretofore made before any such clerk are hereby declared as legal and valid as if made before one of the courts named in said section. [*February 1, 1876.*]

Declaration of intention, &c., for naturalization may be made before clerks of certain courts.
R. S., § 2165.
31 Fed. Rep., 881.

NOTE.—(1) This act is in the second edition of R. S., § 2165.

CHAP. 6.—An act to amend the Revised Statutes touching Vice Consul Generals.

Feb. 1, 1876.

19 Stat. L., 2.

Be it enacted, &c., That section forty-one hundred and thirty (1) of the Revised Statutes of the United States be, and the same is, amended by inserting, after the words “consul-general”, the words “vice consul-general”, so that the section shall read as follows, namely:

Meaning in laws respecting foreign relations of words—

(1) SEC. 4130. The word “minister”, when used in this title shall be understood to mean the person invested with, and exercising, the principal diplomatic functions.

Minister.
R. S., § 4130.

The word “consul” shall be understood to mean any person invested by the United States with, and exercising, the functions of consul-general, vice consul-general, consul or vice-consul. [*February 1, 1876.*]

Consul.
R. S., § 4130.

NOTE.—(1) The amendments made by this act are incorporated into the second edition of the Revised Statutes in section 4130.

Feb. 18, 1876. CHAP. 11.—An act fixing the time of holding the circuit court of the United States in the districts of California, Oregon, and Nevada.

19 Stat. L., 4.

Circuit court; when to be held in—

California. *Be it enacted, &c.*, That a term of the circuit court of the United States for the districts of California, Oregon and Nevada shall be held as follows, namely:

1886, Aug. 5, ch. 928, *post*, p. 513. For the district of California, on the first Monday of February, second Monday of July, and fourth Monday of November in each year;

Oregon. For the district of Oregon, on the second Monday of April and the first Monday of October in each year;

Nevada. And for the district of Nevada, on the third Monday of March and the first Monday of November in each year.

R. S., §§ 658, 664. And the said terms respectively shall be in the place and stead of those now provided by law.

When act takes effect, &c. SEC. 2. That this act shall take effect on the first day of March, eighteen hundred and seventy-six; and all provisions of law inconsistent therewith are hereby repealed: *Provided*, That when a term shall have commenced in any of said districts before this act takes effect, it shall be lawful to continue such term until the time for the commencement of the first term in said district to be held under the provisions of this act. [February 18, 1876.]

Feb. 18, 1876. CHAP. 12.—An act to change the location of the consulates at Aix-la-Chapelle and at Omoa and Truxillo.

19 Stat. L., 4.

Consulates removed to Cologne, and Utila, in Bay Islands. *Be it enacted, &c.*, That the consulate now established at Aix-la-Chapelle, in class five, in schedule B of consulates, be removed to Cologne, within the same consular district; and the consulate now established at Omoa and Truxillo, in class seven, in schedule C of consulates, be removed to Utila in the Bay Islands; and that such removals shall in no manner affect the appropriations for such consulates, or the existing provisions of law applicable thereto, except as modified hereby. [February 18, 1876.]

R. S., § 1690.
1878, Feb. 11, ch. 14, *post*, p. 152.

April 13, 1876. CHAP. 56.—An act to amend section 1044 of the Revised Statutes relating to limitations in criminal cases (1).

19 Stat. L., 32.

Offenses not capital, except, &c., not to be prosecuted after three years. *Be it enacted, &c.*, That section one thousand and forty-four of the Revised Statutes of the United States be amended so as to read as follows:

Substitute for R. S., § 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 three years next after such offense shall have been committed.

R. S., § 1046. But this act shall not have effect to authorize the prosecution, trial or punishment for any offense, barred by the provisions of existing laws. [April 13, 1876.]

1884, July 5, ch. 225, *post*, p. 463. 2 Cr., 356.
17 Wall., 168.
3 McLean, 99.
1 Cr. C. C., 485. 3 Cr. C. C., 442. 5 Cr. C. C., 38, 73, 116. 98 U. S., 450. 100 U. S., 33. 102 U. S., 201.

NOTE.—(1) The amendments made by this act are incorporated into the second edition of the Revised Statutes in section 1044.

April 17, 1876. CHAP. 63.—An act to provide for a deficiency in the Printing and Engraving Bureau of the Treasury Department, and for the issue of silver coin of the United States in place of fractional currency.

19 Stat. L., 33.

Silver coins to be issued in redemption. *Be it enacted, &c.*, * * SEC. 2. That the Secretary of the Treasury is hereby directed to issue (1) silver coins of the United States of

NOTE.—(1) See note on silver coinage acts, appended to 1890, July 14, ch. 706, *post*, p. 774.

the denomination of ten, twenty, twenty-five and fifty cents of standard value, in redemption of an equal amount of fractional currency, whether the same be now in the Treasury awaiting redemption, or whenever it may, be presented for redemption; and the Secretary of the Treasury may, under regulations of the Treasury Department, provide for such redemption and issue by substitution at the regular sub-treasuries and public depositories of the United States until the whole amount of fractional currency outstanding shall be redeemed.

And the fractional currency redeemed under this act shall be held to be a part of the sinking-fund provided for by existing law, the interest to be computed thereon as in the case of bonds redeemed under the act relating to the sinking-fund. [April 17, 1876.]

CHAP. 66.—An act further to provide for the administering of oaths in the Senate.

Be it enacted, &c., That the Presiding Officer, for the time being, of the Senate of the United States, shall have power to administer all oaths and affirmations that are or may be required by the Constitution, or by law, to be taken by any Senator, officer of the Senate, witness, or other person, in respect to any matter within the jurisdiction of the Senate.

SEC. 2. That the Secretary of the Senate, and the chief clerk thereof, shall, respectively, have power to administer any oath or affirmation required by law, or by the rules or orders of the Senate, to be taken by any officer of the Senate, and to any witness produced before it. [April 18, 1876.]

CHAP. 72.—An act to confirm pre-emption and homestead entries of public lands within the limits of railroad-grants in cases where such entries have been made under the regulations of the Land Department.

Be it enacted, &c., That all pre-emption and homestead entries, or entries in compliance with any law of the United States, of the public lands, made in good faith, by actual settlers, upon tracts of land of not more than one hundred and sixty acres each, within the limits of any land-grant, prior to the time when notice of the withdrawal of the lands embraced in such grant was received at the local land-office of the district in which such lands are situated, or after their restoration to market by order of the General Land-Office, and where the pre-emption or homestead laws have been complied with, and proper proofs thereof have been made by the parties holding such tracts or parcels, they shall be confirmed, and patents for the same shall issue to the parties entitled thereto.

SEC. 2. That when at the time of such withdrawal as aforesaid valid pre-emption or homestead claims existed upon any lands within the limits of any such grants which afterward were abandoned, and, under the decisions and rulings of the Land Department, were re-entered by pre-emption or homestead claimants who have complied with the laws governing pre-emption or homestead entries, and shall make the proper proofs required under such laws, such entries shall be deemed valid, and patents shall issue therefor to the person entitled thereto.

SEC. 3. That all such pre-emption and homestead entries which may have been made by permission of the Land Department, or in pursuance of the rules and instructions thereof, within the limits of any land-grant at a time subsequent to expiration of such grant, shall be deemed valid, and a compliance with the laws and the making of the proof required shall entitle the holder of such claim to a patent therefor. [April 21, 1876.]

tion of fractional currency.

R. S., §§ 3513, 3572.

1875, Jan. 14, ch. 15, *ante*, p. 53.

1876, July 22, Res. No. 17, *post*,

p. 124; 1879, June 9, ch. 12, *post*, p. 264.

Currency so redeemed to be part of sinking fund.

R. S., § 3694.

April 18, 1876.

19 Stat. L., 34.

Oaths to Senators, &c., may be administered by presiding officer.

R. S., §§ 28, 1758.

1884, June 26, ch. 123, *post*, p. 446.

— to officers and witnesses by Secretary of Senate and chief clerk.

R. S., §§ 52, 1758.

April 21, 1876.

19 Stat. L., 35.

Entries of lands in limits of land-grants prior to notice of withdrawal of lands, &c., confirmed.

R. S., §§ 2257, 2259, 2289, 2297.

1891, March 3, ch. 561, § 4, *post*,

p. 940.

13 Fed. Rep., 105. 15 Opin., 583.

Claims abandoned on account of decision of Land Office may be re-entered.

—entered after expiration of land-grant deemed valid.

April 25, 1876.

CHAP. 78.—An act to establish a land-office in the southern part of Utah Territory, to be known as the Beaver district, and for other purposes.

19 Stat. L., 36.

Beaver land district, in Utah, established.

R. S., § 2256.

—office of, to be located by President.

Register and receiver for.

R. S., §§ 2234–2247.

Be it enacted, &c., That so much of the public lands of the United States in the Territory of Utah, beginning at the southwestern boundary of said Territory, thence running north on the line between said Territory and the State of Nevada to the Fourth Standard parallel of latitude, thence easterly along said line to the eastern boundary of [of] said Territory, thence southerly to the southern boundary of said Territory, thence westerly to the place of beginning, be formed into a land district, to be called the Beaver land district, the land-office for which shall be located at such point as the President may direct, and may be removed from time to time to other points within said district whenever, in his opinion, it may be expedient.

SEC. 2. That the President be, and he is hereby, authorized to appoint, by and with the advice and consent of the Senate, a register and a receiver for said district, who shall respectively be required to reside at the site of said office; and they shall have the same powers, perform the same duties, and be entitled to the same compensation as are or may be prescribed by law in relation to the land-office now established at Salt Lake City. [April 25, 1876.]

April 29, 1876.

CHAP. 86.—An act to protect the public property, turf and grass of the Capitol Grounds from injury.

19 Stat. L., 41.

Capitol grounds, &c., not to be used as play-grounds to destruction of grass, &c.

R. S., §§ 1820, 1821. 1875, March 3, ch. 151, ante, p. 91.

Be it enacted, &c., That it shall be the duty of the Capitol police hereafter to prevent any portion of the Capitol grounds and terraces from being used as play-grounds or otherwise, so far as may be necessary to protect the public property, turf and grass from destruction or injury. [April 29, 1876.]

1882, July 1, ch. 258, post, p. 91.

May 1, 1876.

CHAP. 88.—An act making appropriations to supply deficiencies in the appropriations for the fiscal years ending June thirtieth, eighteen hundred and seventy-six, and for prior years, and for other purposes.

19 Stat. L., 41.

Witnesses residing in District Columbia before committees of House allowed only \$2 per day. 14 C. Cls., 539.

Territorial officers: salaries not to commence until sworn in.

R. S., § 1845.

—to take oath in Territory.

R. S., §§ 1845, 1878.

Be it enacted, &c. * * * [Par. 1.] That witnesses residing in the District of Columbia and not in the service of the government of said District or of the United States, who shall be summoned to give testimony before any committee of the House of Representatives, shall not be allowed exceeding two dollars for each day's attendance before said committee. * *

[Par. 2.] And hereafter payment of salaries of all officers of the Territories of the United States appointed by the President shall commence only when the person appointed to any such office shall take the proper oath, and shall enter upon the duties of such office in such Territory;

And said oath shall hereafter be administered in the Territory in which such office is held. * *

[May 1, 1876.]

May 1, 1876.

CHAP. 89.—An act to provide for the separate entry of packages contained in one importation. (1)

19 Stat. L., 49.

Entry of separate packages contained in importation.

Be it enacted, &c., That a separate entry may be made of one or more packages contained in an importation of packed packages consigned to one importer or consignee, and concerning which packed packages

NOTE.—(1) This whole act is printed in the second edition of the Revised Statutes between sections 2841 and 2842.

ages, no invoice, or statement of contents or values, has been received.

R. S., §§ 2785, 2841.

Every such entry shall contain a declaration of the whole number of parcels contained in such original packed package; and shall embrace all the goods wares, and merchandise imported in one vessel at one time for one and the same actual owner, or ultimate consignee.

Declaration of entry.

SEC. 2. That the importer, consignee, or agent's oath prescribed by section twenty-eight hundred and forty-one of the Revised Statutes, is hereby modified for the purposes of this Act, so as to require the importer consignee or agent to declare therein that the entry contains an account of all the goods — imported in the — whereof — is master, from — for account of — which oath so modified, shall in each case, be taken on the entry of one or more packages contained in an original package.

Oath of importer, consignee, or agent in such cases.

R. S., § 2841.
1890, June 10, ch. 407. § 5, *post*, p. 746.

But nothing in this act contained shall be construed to relieve the importer, consignee, or agent from producing the oath of the owner or ultimate consignee in every case, now required by law; or to provide that an importation may consist of less than the whole number of parcels contained in any packed package, or packed packages consigned in one vessel at one time, to one importer, consignee or agent.

SEC. 3. That all provisions of law inconsistent herewith are hereby repealed. [May 1, 1876.]

Repeal.

CHAP. 90.—An act revising and amending the various acts establishing and relating to the Reform-School in the District of Columbia. (1)

May 3, 1876.

19 Stat. L., 90.

Be it enacted, &c., That the institution known as the Reform-School of the District of Columbia shall be in the charge of, and governed and managed by, a board of seven trustees, who shall be appointed by the President of the United States, upon the recommendation of the Attorney-General, each for the term of three years, but in such a manner that the terms of not more than three of them shall expire within any one or the same year;

Reform School in District Columbia; how governed.

1880, June 4, ch. 121, par. 1, *post*, p. 290.

That one of the trustees shall be elected president of the board, whose duty shall be prescribed by the board.

—president of board.

SEC. 2. That the board of trustees shall be a corporation by the name of the "Board of Trustees of the Reform-School of the District of Columbia," for the purpose of taking and holding, in trust for the United States property of every description which has been purchased, appropriated, or set apart for the use of the institution, or which may hereafter be purchased, appropriated, or set apart for its use, or given or bequeathed to it, or to the said board, for its use, with all power necessary to carry this purpose into effect, and to protect and preserve such property, including the land and buildings, fences, stock, fruit, crops, and trees of all kinds.

Reform School in District of Columbia to be a corporation.

SEC. 3. That the board of trustees may appoint a superintendent, two or more teachers or assistants, and a matron whose salaries are fixed by law; they may also employ two or more master-mechanics, a farmer, a gardener, and such other persons, as servants and laborers, as may be necessary, and fix their compensation, subject to the approval of the Attorney General.

—superintendent and other employes.

SEC. 4. That the board of trustees shall appoint a treasurer, who shall, before entering upon the duties of his office, give a bond to the United States with two or more sureties, to be approved by the First Comptroller of the Treasury, in the sum of twenty thousand

—treasurer of; his bond and duties.

dollars, or a larger sum, at the option of the said Comptroller, conditioned that he shall faithfully account for all the money received by him as treasurer;

And it shall be his duty to keep a clear and full record of his accounts as treasurer, and report an abstract of the same to the board of trustees once in every two months, and shall also make an annual report to the board of trustees.

Superintendent to give bond.

SEC. 5. That before entering upon the duties of his office, the superintendent shall give a bond to the board of trustees, with sureties, to be approved by the Attorney General of the United States, in the sum of three thousand dollars, conditioned that he shall faithfully account for all money received by him, and faithfully perform all the duties incumbent on him as superintendent of said Reform School.

—to reside at institution; his and other officers' duties.

SEC. 6. That the superintendent shall reside at the institution constantly and that he, with such subordinate officers as may be appointed in accordance with the third section of this act, shall have the charge and custody of the boys; shall govern them in accordance with such rules and regulations as the board of trustees may prescribe in its by-laws; shall employ them in agricultural, mechanical or other labor; shall give them instruction in reading, writing, arithmetic, geography, and such other studies and in such arts and trades as the trustees may direct; and shall employ such methods of discipline as will, as far as possible, reform their characters, preserve their health, promote regular improvement in their studies and employments, and secure in them fixed habits of religion, morality, and industry.

—to have charge of lands, buildings, &c., keep books, account for money, &c.

1881, March 3, ch. 134, par. 1, *ante*, p. 321.

1890, August 6, ch. 724, par. 5, *post*, p. 777.

SEC. 7. That the superintendent shall have charge of the lands, buildings, furniture, tools, implements, stock, provisions, and every other species of property pertaining to the institution, within the precincts thereof, under the board of trustees, including the farm in possession of the board where the school was first located; and he shall keep in suitable books, regular and complete accounts of all his receipts and expenditures, and of all the property intrusted to him, so as to show clearly the income and expenses of the institution;

And he shall account, in such manner as the trustees may prescribe, for all the money received by him from the proceeds of the institution or otherwise; and he shall keep a register of the names and ages of all boys committed to the institution, with the dates of their admission and discharge, and such particulars of their history before and after leaving the institution as he can obtain.

—books of, open to inspection, &c.

His books and all documents relating to the Reform-School shall, at all times, be open to the inspection of the trustees, who shall, once or more in every month, carefully examine his accounts, and the vouchers and documents connected therewith, and make a record of the result of such examination; and, once in every three months, the institution shall be thoroughly examined in all its departments by three or more of the trustees, and a report of such examination shall be made to the board.

Reform School of District Columbia, commitment of boys to.

SEC. 8. That whenever any boy under the age of sixteen years shall be brought before any court of the District of Columbia, or any Judge of such court, and shall be convicted of any crime or misdemeanor punishable by fine or imprisonment, other than imprisonment for life, such court or Judge, in lieu of sentencing him to imprisonment in the county jail or fining him, may commit him to the Reform-School, to remain until he shall arrive at the age of twenty-one years, unless sooner discharged by the board of trustees.

R. S. of D. C., §§ 753, 1041.

And the Judges of the criminal and police courts of the District of Columbia shall have power to commit to the Reform-School, first any boy under sixteen years of age who may be liable to punishment by imprisonment under any existing law of the District of Columbia, or any law that may be enacted and in force in said District; second,

any boy under sixteen years of age, with the consent of his parent or guardian, against whom any charge of committing any crime or misdemeanor shall have been made, the punishment of which, on conviction, would be confinement in jail or prison; third, any boy under sixteen years of age who is destitute of a suitable home and adequate means of obtaining an honest living, or who is in danger of being brought up, or is brought up, to lead an idle or vicious life; fourth, any boy under sixteen years of age who is incorrigible, or habitually disregards the commands of his father or mother, or guardian, who leads a vagrant life, or resorts to immoral places or practices, or neglects or refuses to perform labor suitable to his years and condition, or to attend school.

And the president of the board of trustees may also commit to the Reform school such boys as are mentioned in the foregoing third and fourth classes upon application or complaint in writing of a parent, or guardian, or relative having charge of such boy, and upon such testimony in regard to the facts stated as shall be satisfactory to him; and for taking testimony in such cases, he is hereby empowered to administer oaths.

President of trustees may commit certain boys.

SEC. 9. That every boy sent to the Reform School shall remain until he is twenty-one years of age, unless sooner discharged or bound as an apprentice; but no boy shall be retained after the superintendent shall have reported him fully reformed.

Period of detention.

SEC. 10. That whenever there shall be as large a number of boys in the school as can be properly accommodated, it shall be the duty of the president of the board of trustees to give notice to the criminal and police courts of the fact, whereupon, no boys shall be sent to the schools by the said courts until notice shall be given them by the president of the board that more can be received.

When school is full, commitments suspended.

SEC. 11. That if any person shall entice, or attempt to entice, away from said school any boy legally committed to the same, or shall harbor, conceal, or aid in harboring or concealing any boy who shall have escaped from said school, such person shall, upon conviction thereof, be deemed guilty of a misdemeanor, and shall pay a fine of not less than ten nor more than one hundred dollars, which shall be paid to the treasurer of the board of trustees;

Enticing a way or harboring boys committed; how punished.

And any policeman shall have power, and it is hereby made his duty, to arrest any boy, when in his power so to do, who shall have escaped from said school, and return him thereto.

Police may arrest escaped boys.

SEC. 12. That the trustees shall have full power to place any boy committed as herein described, during his minority, at such employment and cause him to be instructed in such branches of useful knowledge, as may be suitable to his years and capacity, as they may see fit;

Boys to be employed.

And they may, with the consent of any such boy, bind him out as an apprentice during his minority, or for a shorter period, to learn such trade and employment as in their judgment will tend to his future benefit; and the president of the board shall, for such purpose, have power to execute and deliver, on behalf of the said board, indentures of apprenticeship for any such boy; and such indentures shall have the same force and effect as other indentures of apprenticeship under the laws of the District of Columbia, and be filed and kept among the records in the office of the Reform-School, and it shall not be necessary to record or file them elsewhere.

—may be apprenticed.

SEC. 13. That for the support of the boys sent to the Reform-School, as hereinbefore mentioned the District of Columbia shall pay to the board of trustees two dollars for each boy per week; and it shall be the duty of the superintendent to make out and render to the proper officers monthly accounts at the close of each month for the support of the boys in said school, which shall be paid on demand; and, if not paid within ten days from the time the account is presented, shall draw interest at the rate of one per centum per month until paid.

District to pay for support of boys in Reform School. 1879, March 3, ch. 182, § 3, par. 2; ch. 183, par. 3; post, pp. 253, 254.

Contracts for institution; how made.

President of board to be executive officer, &c.

Trustees to make by-laws and regulations.

Consulting trustees; how appointed.

Repeal.

SEC. 14. That all contracts and purchases made for or on account of the institution shall be made in the name of the board and by whomsoever the board may direct

The president of the board shall be its executive officer, and it shall be his duty to make an annual report to the Attorney General, to be accompanied by the annual report of the superintendent and treasurer.

SEC. 15. That the board of trustees may make such by-laws, rules, and regulations for their own and the government of the institution, its officers, employees, and inmates, as they may deem necessary and proper.

SEC. 16. That two consulting trustees shall be appointed, namely, one Senator of the United States, by the presiding officer of the Senate, for the term of four years, and one member of the House of Representatives, by the Speaker thereof, for the term of two years.

SEC. 17. That all acts and parts of acts incompatible with this act are hereby repealed. [May 3, 1876.]

May 5, 1876.

19 Stat. L., 52.

CHAP. 91.—An act to exclude the States of Missouri and Kansas from the provisions of the act of Congress entitled "An act to promote the development of the mining resources of the United States" approved May tenth eighteen hundred and seventy-two. (1)

Public lands, though mineral, in Missouri and Kansas may be disposed of as agricultural lands.

R. S., §§ 2319-2337.

Be it enacted, &c., That within the States of Missouri and Kansas deposits of coal, iron, lead, or other mineral be, and they are hereby, excluded from the operation of the act entitled "An act to promote the development of mining resources of the United States" approved May tenth, eighteen hundred and seventy-two and all lands in said States shall be subject to disposal as agricultural lands. [May 5, 1876.]

1874, June 22, ch. 422, and note, *ante*, pp. 40, 41. 115 U. S., 403.

NOTE.—(1) The act of 1872, ch. 152 (17 Stat. L., 91), is incorporated into Revised Statutes in the sections noted in the margin.

May 18, 1876.

19 Stat. L., 53.

CHAP. 95.—An act to define the tax on fermented or malt liquors.

Tax on fermented or malt liquors not to be assessed on quantity of materials used, &c.

R. S., §§ 3337, 3339.

1890, June 18, ch. 431, *post*, p. 758.

95 U. S., 337.

Be it enacted, &c., That nothing contained in section three thousand three hundred and thirty-seven of the Revised Statutes of the United States shall be so construed as to authorize an assessment upon the quantity of materials used in producing or purchased for the purpose of producing, fermented or malt liquors, nor shall the quantity of materials so used or purchased be evidence, for the purpose of taxation, of the quantity of liquor produced; but the tax on all beer, lager-beer, ale, porter, or other similar fermented liquor, brewed or manufactured, and sold or removed for consumption or sale, shall be paid as provided in section three thousand three hundred and thirty-nine of said statutes, and not otherwise:

Provided, That this act shall not apply to cases of fraud.

And provided further, That nothing in this act shall have the effect to change the present rules of law respecting evidence in any prosecution or suit [May 13, 1876.]

May 23, 1876.

CHAP. 103.—An act relating to interments in the Congressional Cemetery.

19 Stat. L., 54.
Monuments to be erected to deceased Senators

Be it enacted, &c., That hereafter whenever any deceased Senator or Member of the House of Representatives shall be actually interred in the Congressional Cemetery, so-called, it shall be the duty of the

Sergeant-at-Arms of the Senate, in the case of a Senator, and of the Sergeant-at-Arms of the House of Representatives, in the case of a member of the House, to have a monument erected, of granite, with suitable inscriptions, and the cost of the same shall be a charge upon and paid out either from the contingent funds of the Senate or of the House of Representatives, to whichever the deceased may have belonged, and any existing omissions of monuments or inscriptions, as aforesaid, are hereby directed and authorized to be supplied in like manner, and all laws upon the subject of monuments in the Congressional Cemetery are hereby repealed. [May 23, 1876.]

and Representatives interred in Congressional Cemetery.

1848, July 25, ch. 109, § 2 (9 Stat. L., 250).

1858, May 18, ch. 38, § 1 (11 Stat. L., 289).

CHAP. 122.—An act transferring the custody of certain Indian trust-funds.

Be it enacted, &c., That all stocks, bonds, or other securities or evidences of indebtedness now held by the Secretary of the Interior in trust for the benefit of certain Indian tribes shall, within thirty days from the passage of this act, be transferred to the Treasurer of the United States, who shall become the custodian thereof;

And it shall be the duty of said Treasurer to collect all interest falling due on said bonds, stocks, &c., and deposit the same in the Treasury of the United States, and to issue certificates of deposit therefor, in favor of the Secretary of the Interior, as trustees for various Indian tribes.

And the Treasurer of the United States shall also become the custodian of all bonds and stocks which may be purchased for the benefit of any Indian tribe or tribes after the transfer of funds herein authorized, and shall make all purchases and sales of bonds and stocks authorized by treaty-stipulations or by acts of Congress when requested so to do by the Secretary of the Interior:

Provided, That nothing in this act shall in any manner impair or affect the supervisory and appellate powers and duties in regard to Indian affairs which may now be vested in the Secretary of the Interior as trustee for various Indian tribes, except as to the custody of said bonds and the collection of interest thereon as hereinbefore mentioned. [June 10, 1876.]

June 10, 1876.

19 Stat. L., 58.

Treasurer of U. S. to be custodian of Indian trust securities.

R. S., § 3659.

1880, April 1, ch. 41, *post*, p. 279.

— to collect interest and issue certificates of deposit.

— to make future purchases and sales.

R. S., §§ 2095-2097, 3659.

— without affecting supervisory powers of Secretary of Interior.

CHAP. 136.—An act relating to the execution of custom-house bonds.

Be it enacted, &c., That when any bond is required by law to be executed by any firm or partnership for the payment of duties upon goods, wares or merchandise, imported into the United States by such firm or partnership, the execution of such bond by any member of such firm or partnership, in the name of said firm or partnership, shall bind the other members or partners thereof, in like manner and to the same extent, as if such other members or partners had personally executed the same.

And any action or suit may be instituted on such bond against all the members or partners of such firm, as if all of the members or partners had executed the same. [June 20, 1876.]

June 20, 1876.

18 Stat. L., 60.

Bonds of partnerships for payment of customs duties how executed.

R. S., §§ 2776-2778, 2825, 2842, 2925.

1890, June 10, ch. 407, § 4, *post*, p. 745.

CHAP. 137.—An act establishing Cheboygan, in the State of Michigan, a port of delivery.

Be it enacted, &c., That Cheboygan, in the State of Michigan, being within the collection district of Michigan, be, and the same hereby is, declared a port of delivery instead of Duncan City; and

June 20, 1876,

19 Stat. L., 60.

Cheboygan made port of delivery, instead of Duncan City.

R. S., § 2599, the office of deputy collector now located at Duncan City be, and par. 1. the same is hereby, removed to Cheboygan. And all acts and parts of acts declaring Duncan City a port of entry are hereby repealed. [June 20, 1876.]

June 26, 1876.

CHAP. 146.—An act to reduce the number and increase the efficiency of the Medical Corps of the United States Army.

19 Stat. L., 61.

Army assistant surgeons.

R. S., § 1168.

Medical storekeepers abolished.

Additional grades of surgeons established.

R. S., § 1168.

1874, June 23, ch. 458, § 4, ante, p. 45.

Be it enacted, &c., That the number of assistant surgeons now allowed by law shall be reduced to one hundred and twenty-five;

That the office of medical storekeeper is hereby abolished;

That from and after the passage of this act, in addition to the grades now allowed by law, there shall be four surgeons with the rank, pay, and emoluments of colonel; eight surgeons with the rank, pay, and emoluments of lieutenant-colonels, to be promoted by seniority from the medical officers of the Army;

That this shall not be construed to deprive any medical officer or storekeeper now in office of his commission in the United States Army. [June 26, 1876.]

June 26, 1876.

CHAP. 147.—An act to further the administration of justice in the State of Colorado.

19 Stat. L., 61.

Colorado subject to laws of United States.

1875, March 3, ch. 139, ante, p. 86.

4 Dillon, 251.

4 Fed. Rep., 786.

104 U. S., 621.

—to constitute a judicial district, with a judge, marshal, and district attorney.

R. S., § 530.

—part of eighth judicial circuit.

R. S., § 604.

Jurisdiction of circuit and district courts in.

R. S., §§ 563, 629.
1891, March 3, ch. 517, post, p. 901.

Marshal, district attorney, clerk of courts, and other officers of courts in.

R. S., §§ 555, 619.
627, 776, 824–829.

Be it enacted, &c., That when the State of Colorado shall be admitted into the Union, according to the provisions of the act entitled “An act to enable the people of Colorado to form a constitution and State government, and for the admission of said State into the Union on an equal footing with the original States,” approved March third, eighteen hundred and seventy-five, (1) the laws of the United States not locally inapplicable shall have the same force and effect within the said State as elsewhere within the United States;

And said State shall constitute one judicial district, to be called the district of Colorado; and for said district a district judge and a marshal and a district attorney of the United States shall be appointed by the President, by and with the advice and consent of the Senate, with the same rights, powers, and duties provided by law for similar officers in the other States, except as herein otherwise provided;

And said district of Colorado shall be attached to, and constitute a part of, the eighth judicial circuit; * * * [Omitted lines superseded 1880, April 20, ch. 58, post, p. 281, and 1886, August 3, ch. 848, post, p. 510.]

SEC. 2. That the circuit and district courts for the district of Colorado, and the judges thereof respectively, shall possess the same powers and jurisdiction, and perform the same duties possessed and required to be performed by the other circuit and district courts and judges of the United States, and shall be governed by the same laws and regulations.

SEC. 3. [Superseded 1891, Feb. 24, ch. 287, post, p. 896.]

SEC. 4. That the marshal, district attorney, and the clerk of the circuit and district courts of said district of Colorado, and all other officers and persons performing duties in the administration of justice therein, shall severally possess the powers and perform the duties lawfully possessed and required to be performed by similar officers in other districts of the United States, and shall, for the services they may perform, receive the fees and compensation allowed to

NOTE.—(1) The President issued his proclamation August 1, 1876, No. 6, declaring the admission of Colorado as a State into the Union. 19 Stat. L., 665.

other similar officers and persons performing similar duties by the laws of the United States, excepting such provisions thereof as are specially applicable to some particular officer or district.

SECS. 5-8. [*Expired.*] [June 26, 1876.]

CHAP. 156.—An act authorizing the appointment of receivers of national banks, and for other purposes. (1)

June 30, 1876.

19 Stat. L., 63.

Be it enacted, &c., That whenever any national banking association shall be dissolved, and its rights, privileges, and franchises declared forfeited, as prescribed in section fifty-two hundred and thirtynine of the Revised Statutes of the United States, or whenever any creditor of any national banking association shall have obtained a judgment against it in any court of record, and made application, accompanied by a certificate from the clerk of the court stating that such judgment has been rendered and has remained unpaid for the space of thirty days, or whenever the Comptroller shall become satisfied of the insolvency of a national banking association, he may, after due examination of its affairs, in either case, appoint a receiver who shall proceed to close up such association, and enforce the personal liability of the shareholders, as provided in section fifty-two hundred and thirty-four of said statutes.

SEC. 2. That when any national banking association shall have gone into liquidation under the provisions of section five thousand two hundred and twenty of said statutes, the individual liability of the shareholders provided for by section fifty-one hundred and fifty-one of said statutes may be enforced by any creditor of such association, by bill in equity, in the nature of a creditor's bill, brought by such creditor on behalf of himself and of all other creditors of the association, against the shareholders thereof, in any court of the United States having original jurisdiction in equity for the district in which such association may have been located or established.

SEC. 3. That whenever any association shall have been or shall be placed in the hands of a receiver, as provided in section fifty two hundred and thirty-four and other sections of said statutes, and when, as provided in section fifty-two hundred and thirty-six thereof, the Comptroller shall have paid to each and every creditor of such association, not including shareholders who are creditors of such association, whose claim or claims as such creditor shall have been proved or allowed as therein prescribed, the full amount of such claims and all expenses of the receivership, and the redemption of the circulating notes of such association shall have been provided for by depositing lawful money of the United States with the Treasurer of the United States, the Comptroller of the Currency shall call a meeting of the shareholders of such association by giving notice thereof for thirty days in a newspaper published in the town, city, or county where the business of such association was carried on, or if no newspaper is there published, in the newspaper published nearest thereto, at which meeting the shareholders shall elect an agent, voting by ballot, in person or by proxy, each share of stock entitling the holder to one vote;

And when such agent shall have received votes representing at least a majority of the stock in value and number of shares, and when any of the shareholders of the association shall have executed and filed a bond to the satisfaction of the Comptroller of the Currency, conditioned for the payment and discharge in full of any and every claim that may hereafter be proved and allowed against such association by and before a competent court, and for the faithful

Receiver may be appointed when national bank violates any provision of law or neglects for thirty days to pay a judgment, or becomes insolvent.

R. S., §§ 5234, 5239.

17 Wall. 19.

107 U. S., 445.

121 U. S., 49.

123 U. S., 297.

1886, Mar. 29, ch. 28, *post*, p. 488.

Individual liability of shareholders in case of liquidation; how enforced.

R. S., §§ 5151, 5220.

10 Fed. Rep., 237.

27 Fed. Rep., 591.

34 Fed. Rep., 566.

121 U. S., 49.

When bank in hands of receiver has paid all creditors, &c., stockholders may elect agent to manage its affairs, and effects of bank to be turned over to him.

R. S., §§ 5141, 5191, 5194, 5201, 5234, 5236.

performance and discharge of all and singular the duties of such trust, the Comptroller and the receiver shall thereupon transfer and deliver to such agent all the undivided or uncollected or other assets and property of such association then remaining in the hands or subject to the order or control of said Comptroller and said receiver, or either of them;

And for this purpose, said Comptroller and said receiver are hereby severally empowered to execute any deed, assignment, transfer, or other instrument in writing that may be necessary and proper; whereupon the said Comptroller and the said receiver shall, by virtue of this act, be discharged and released from any and all liabilities to such associations, and to each and all of the creditors and shareholders thereof;

Powers of agent.
36 Fed. 277.

And such agent is hereby authorized to sell, compromise, or compound the debts due to such association upon the order of a competent court of record or of the United States circuit court for the district where the business of the association was carried on.

Such agent shall hold, control, and dispose of the assets and property of any association which he may receive as hereinbefore provided for the benefit of the shareholders of such association as they, or a majority of them in value or number of shares may direct, distributing such assets and property among such shareholders in proportion to the shares held by each; and he may, in his own name or in the name of such association, sue and be sued, and do all other lawful acts and things necessary to finally settle and distribute the assets and property in his hands.

Votes for agent on shares of deceased owners; how given.

In selecting an agent as hereinbefore provided, administrators or executors of deceased shareholders may act and sign as the decedent might have done if living, and guardians may so act and sign for their ward or wards.

Sale of stock of shareholders refusing to pay assessment.

R. S. § 5305.

SEC. 4. That the last clause of section fifty-two hundred and five of said statutes is hereby amended by adding to the said section the following proviso: (1)

“*And provided*, That if any shareholder or shareholders of such bank shall neglect or refuse, after three months' notice, to pay the assessments, as provided in this section, it shall be the duty of the board of directors to cause a sufficient amount of the capital stock of such shareholder or shareholders to be sold at public auction (after thirty days' notice shall be given by posting such notice of sale in the office of the bank, and by publishing such notice in a newspaper of the city or town in which the bank is located, or in a newspaper published nearest thereto,) to make good the deficiency, and the balance, if any, shall be returned to such delinquent shareholder or shareholders.

Disbursing officers and bank officers to stamp counterfeit, altered, and worthless notes.

SEC. 5. That all United States officers charged with the receipt or disbursement of public moneys, and all officers of national banks, shall stamp or write in plain letters the word “counterfeit” “altered” or “worthless,” upon all fraudulent notes issued in the form of, and intended to circulate as money, which shall be presented at their places of business; and if such officers shall wrongfully stamp any genuine note of the United States, or of the national banks, they shall, upon presentation, redeem such notes at the face value thereof.

Savings and trust companies under United States laws to make and publish reports.

R. S., §§ 5211-5213.

1890, Oct. 1, ch. 1246, post, p. 870.

SEC. 6. That all savings-banks or savings and trust companies organized under authority of any act of Congress shall be, and are hereby, required to make, to the Comptroller of the Currency, and publish, all the reports which national banking-associations are required to make and publish under the provisions of sections fifty two hundred and eleven, fifty-two hundred and twelve and fifty two hundred and thirteen, of the Revised Statutes, and shall be subject to the same penalties for failure to make or publish such reports as are therein provided; which penalty may be collected by suit before

any court of the United States in the district in which said savings banks or savings and trust companies may be located

And all savings or other banks now organized, or which shall hereafter be organized, in the District of Columbia, under any act of Congress, which shall have capital stock paid up in whole or in part, shall be subject to all the provisions of the Revised Statutes, and of all acts of Congress applicable to national banking associations, so far as the same may be applicable to such savings or other banks:

Provided, That such savings banks now established shall not be required to have a paid-in capital exceeding one hundred thousand dollars. [June 30, 1876.]

Savings banks in District of Columbia to be subject to national banking laws.

R. S., §§ 5133-5243.

R. S. of D. C., § 553.

3 Mackey (D. C.), 473.

CHAP. 159.—An act making appropriations for the naval service for the year ending June thirtieth, eighteen hundred and seventy-seven, and for other purposes.

June 30, 1876.

19 Stat. L., 65.

Be it enacted, &c., * * [Par. 1.] And so much of the (1) act of June sixteenth, one thousand eight hundred and seventy-four, making appropriations for the support of the Army for the fiscal year ending June thirtieth, one thousand eight hundred and seventy-five, and for other purposes, as provides that only actual traveling expenses shall be allowed to any person holding employment or appointment under the United States while engaged on public business, as is applicable to officers of the Navy so engaged, is hereby repealed;

And the sum of eight cents per mile shall be allowed such officers while so engaged, in lieu of their actual expenses. * *

516. 22 C. Cls., 131, 133, 293. 105 U.S., 87. 124 U.S., 306, 128 U.S., 472.

[Par. 2.] And no increase of the force at any navy-yard shall be made at any time within sixty days next before any election to take place for President of the United States, or members of Congress, except when the Secretary of the Navy shall certify that the needs of the public service make such increase necessary at that time which certificate shall be immediately published when made. * *

[June 30, 1876.]

NOTE.—(1) The provision in the act of 1874, June 16, ch. 285 (18 Stat. L., 72), herein referred to, was repeated, with some changes, in 1875, March 3, ch. 133, par. 1, *ante*, p. 81. It is therefore omitted from this volume and the latter act included. See note on mileage, appended to the latter act.

CHAP. 165.—An act to repeal section two thousand three hundred and three of the Revised Statutes of the United States, making restrictions in the disposition of the public lands in the States of Alabama, Mississippi, Louisiana, Arkansas and Florida, and for other purposes. (1)

July 4, 1876.

19 Stat. L., 73.

Be it enacted, &c., That section two thousand three hundred and three of the Revised Statutes of the United States, confining the disposal of the public lands in the States of Alabama, Mississippi, Louisiana, Arkansas, and Florida to the provisions of the homestead law, be, and the same is hereby, repealed: (1)

Provided, That the repeal of said section shall not have the effect to impair the right, complete or inchoate, of any homestead settler, and no land occupied by such settler at the time this act shall take effect, shall be subject to entry, pre-emption, or sale:

And *provided*, (2) That the public lands affected by this act, shall be offered at public sale, as soon as practicable from time to time, and according to the provisions of existing law, and shall not be subject to private entry until they are so offered. [*Became a law without approval of President July 4, 1876.*]

Public lands in Alabama, Mississippi, Louisiana, Arkansas, and Florida how to be disposed of.

Repeal of
R. S., § 2303.

1891, March 3, ch. 561, § 4, *post*, p. 942.

—to be sold at public sale.

NOTES.—(1) This act is incorporated into § 2303 of the second edition of the Revised Statutes.

(2) This last proviso would seem to be repealed by 1891, March 3, ch. 561, § 9, *post*, p. 943.

July 12, 1876.

19 Stat. L., 78.

CHAP. 179.—An act making appropriations for the service of the Post Office Department for the fiscal year ending June thirtieth, eighteen hundred and seventy-seven, and for other purposes.

Compensation to railroads for carrying mail reduced.

R. S., § 4002.

1878, June 17, ch. 259, par. 3, post, p. 187.

15 Opins. 169, 182, 482, 610. 16 Opins. 196. 20 C. Cls. 38, 104 U. S., 680, 687. 118 U. S., 629. 129 U. S., 391.

Report of Sixth Auditor; what to show, etc.

R. S., § 277, par. 7.

1890, Sept. 30, ch. 1126, par. 2, post, p. 811.

Repeal of 1874, June 23, ch. 456, § 11 (18 Stat. L., 233).

Postmasters to be divided into four classes.

R. S., § 3852.

1883, March 3, ch. 142, post, p. 417.

Postmasters; appointment, removal, and term of office of.

R. S., § 3830.

Land-grant railroads to receive less than other roads.

R. S., § 4002.

1878, June 17, ch. 259, par. 3, post, p. 187.

Sale of stamped envelopes and wrappers.

R. S., §§ 3914-3917.

Addresses on postal cards and circulars.

Repeal.

Be it enacted, &c. * * That the Postmaster General be, and he is hereby, authorized and directed to readjust the compensation to be paid from and after the first day of July, eighteen hundred and seventy-six, for transportation of mails on railroad-routes by reducing the compensation to all railroad companies for the transportation of mails ten per centum per annum from the rates fixed and allowed by the first section of an act entitled "An act making appropriations for the service of the Post-Office Department for the fiscal year ending June thirtieth, eighteen hundred and seventy-four, and for other purposes," approved March third, eighteen hundred and seventy-three, (1) for the transportation of mails on the basis of the average weight. * *

SEC. 4. That the annual reports of the Auditor of the Treasury for the Post-Office Department to the Postmaster General shall show the financial condition of the Post-Office Department at the close of each fiscal year, and be made a part of the Postmaster-General's annual report to Congress for that fiscal year.

That section eleven of the act approved June twenty-third, eighteen hundred and seventy-four, be, and is hereby, repealed, and that the following be enacted in lieu thereof.

SEC. 5. That the postmasters shall be divided into four classes, as follows:

The first class shall embrace all those whose annual salaries are three thousand dollars or more than three thousand dollars;

The second class shall embrace all those whose annual salaries are less than three thousand dollars, but not less than two thousand dollars;

The third class shall embrace all those whose annual salaries are less than two thousand dollars, but not less than one thousand dollars;

The fourth class shall embrace all postmasters whose annual compensation, exclusive of their commissions on the money-order business of their offices, amounts to less than one thousand dollars.

SEC. 6. Postmasters of the first, second, and third classes shall be appointed and may be removed by the President by and with the advice and consent of the Senate, and shall hold their offices for four years unless sooner removed or suspended according to law; and postmasters of the fourth class shall be appointed and may be removed by the Postmaster-General, by whom all appointments and removals shall be notified to the Auditor for the Post-Office Department.

SEC. 13. That rail-road-companies whose railroad was constructed in whole or in part by a land-grant made by Congress on the condition that the mails should be transported over their road at such price as Congress should by law direct shall receive only eighty per centum of the compensation authorized by this act.

18 C. Cls. 131, 213, 21 C. Cls. 155, 25 C. Cls. 30, 46.

SEC. 14. No stamped envelopes or newspaper wrappers shall be sold by the Post-Office Department at less (in addition to the legal postage) than the cost, including all salaries, clerk-hire, and other expenses connected therewith.

SEC. 15. * * And addresses upon postal cards and unsealed circulars may be either written, printed, or affixed thereto, at the option of the sender.

SEC. 16. That all acts or parts of acts in conflict with the provisions of this act are hereby repealed. [July 12, 1876.]

NOTE.—(1) The provisions of the act of 1873, ch. 331, § 1 (17 Stat. L., 556) here referred to, are incorporated into Revised Statutes, § 4002.

CHAP. 180.—An act for the support of the government of the District of Columbia for the fiscal year ending June thirtieth, eighteen hundred and seventy-seven, and for other purposes.

July 12, 1876.

19 Stat. L., 83.

Be it enacted, &c. * * SEC. 18. That all laws and ordinances now in force in the city of Washington, relating to the payment and collection of water-taxes, water-rents, and taxation for water-mains be, and they are hereby, extended to and made operative over all parts of the District of Columbia where water taken from the United States aqueduct is used, and said taxes and rents shall be payable and collectible therein in the same manner and at the same rate as in the city of Washington for the year beginning January first eighteen hundred and seventy-six, and for each subsequent year.

Laws of Washington relating to water-taxes, &c., extended over District.

R. S. of D. C., §§ 195-221.

1879, June 10,

ch. 16, *post*, p. 264.

1882, July 15, ch.

294, § 3, *post*, p. 358.

par. 8, *post*, p. 477.

Act of legislative assembly levying certain license-taxes, &c., repealed.

129 U. S., 141.

1885, Feb. 25, ch. 145.

SEC. 19. That the twenty-third section of the act of the legislative assembly of the District of Columbia, entitled "An act imposing a license on trades, business, and professions practiced or carried on in the District of Columbia," approved August twenty third, eighteen hundred and seventy-one, clauses twenty and thirty-five of the twenty-first section of said act, and clause sixteen of said twenty-first section of said act as amended by the act amendatory thereof, approved June twenty, eighteen hundred and seventy-two, and all other laws and acts, or parts thereof, inconsistent herewith, be, and the same are hereby, repealed. (1) [*July 12, 1876.*]

NOTE.—(1) The sections of the acts of the legislative assembly of the District of Columbia repealed by this act fixed the rate of taxation on personal property in the District at seventy cents on a hundred dollars, provided that the tax on bonds and other securities should not exceed five per cent. of the income thereof. They also levied a license-tax on dealers in merchandise of four dollars on each thousand dollars of capital invested; a license-tax of twenty dollars on photographers, and a license-tax of two and four dollars on certain carts, wagons, &c.

CHAP. 183.—An act to amend section fifty-five hundred and forty-six of the Revised Statutes of the United States providing for imprisonment and transfer of United States prisoners. (1)

July 12, 1876.

19 Stat. L., 88.

Be it enacted, &c., That section fifty-five hundred and forty-six of the Revised Statutes of the United States be amended so as to be read as follows: (1)

Designation of penitentiaries by Attorney-General for convicts in United States courts; transportation of prisoners.

Substitute for
R. S., § 5546.

1891, March 3,

ch. 529, *post*, p. 908.

18 Fed. Rep., 35.

93 U. S. 396.

"SEC. 5546. All persons who have been, or who may hereafter be, convicted of crime by any court of the United States whose punishment is imprisonment in a District or Territory where, at the time of conviction, or at any time during the term of imprisonment, there may be no penitentiary or jail suitable for the confinement of convicts or available therefor, shall be confined during the term for which they have been or may be sentenced, or during the residue of said term, in some suitable jail or penitentiary in a convenient State or Territory, to be designated by the Attorney-General, and shall be transported and delivered to the warden or keeper of such jail or penitentiary by the marshal of the District or Territory where the conviction has occurred:

And if the conviction be had in the District of Columbia, the transportation and delivery shall be by the warden of the jail of that District: the reasonable actual expense of transportation, necessary subsistence, and hire and transportation of guards and the marshal, or the warden of the jail in the District of Columbia, only, to be paid by the Attorney-General, out of the judiciary fund.

Convicts in District of Columbia, how transported.

But if, in the opinion of the Attorney-General, the expense of transportation from any State, Territory or the District of Columbia, in which there is no penitentiary, will exceed the cost of maintaining them in jail in the State, Territory, or the District of Columbia during the period of their sentence, then it shall be lawful so to confine them therein for the period designated in their respective sentences.

Convicts may be confined in jail when transportation would exceed cost of maintenance.

NOTE.—(1) This amendment is incorporated into § 5546 of the Revised Statutes, in the second edition.

Place of imprisonment may be changed.

And the place of imprisonment may be changed in any case, when, in the opinion of the Attorney-General, it is necessary for the preservation of the health of the prisoner, or when, in his opinion, the place of confinement is not sufficient to secure the custody of the prisoner, or because of cruel or improper treatment :

Provided, however, That no change shall be made in the case of any prisoner on the ground of the unhealthiness of the prisoner, or because of his treatment, after his conviction and during his term of imprisonment, unless such change shall be applied for by such prisoner, or some one in his behalf." [July 12, 1876.]

July 12, 1876.

19 Stat. L., 90.

CHAP. 185.—An act to exempt vessels engaged in navigating the Mississippi River and its tributaries above the Port of New Orleans from entries and clearances. (1)

Vessels in coasting-trade navigating Mississippi River, &c., above New Orleans, laden with imported goods or spirits, exempt from procuring permit to proceed and to unlade.

R. S., §§ 4349-4356.

Be it enacted, &c., That the provisions of sections forty-three hundred and forty-nine, forty-three hundred and fifty, forty-three hundred and fifty-one, forty-three hundred and fifty-two, forty-three hundred and fifty-three, forty-three hundred and fifty-four, forty-three hundred and fifty-five, and forty-three hundred and fifty-six of the Revised Statutes, requiring the master of every vessel licensed to carry on the coasting-trade, laden in part with foreign merchandise or distilled spirits, to procure a permit from the customs' officer of the port at which his vessel was laden, authorizing him to proceed to his port of destination, and also to procure a permit from the port of destination for the unlading of his cargo, shall not be held to include vessels engaged in the navigation of the Mississippi River or tributaries above the port of New Orleans. [July 12, 1876.]

NOTE.—(1) This act is printed in the second edition of the Revised Statutes after § 4349.

July 19, 1876.

19 Stat. L., 91.

Bills passed by legislature of Arizona to be approved by governor or passed by two-thirds vote on reconsideration.

R. S., §§ 1841, 1842.

CHAP. 212.—An act relating to the approval of bills in the Territory of Arizona.

Be it enacted, &c., That every bill which shall have passed the legislative council and house of representatives of the Territory of Arizona shall, before it becomes a law, be presented to the governor of the Territory;

If he approve it, he shall sign it, but if he do not approve it, he shall return it, with his objections, to the house in which it originated, who shall enter the objections at large upon their journal, and proceed to reconsider it.

If after such reconsideration, two thirds of that house shall 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, the governor's objection to the contrary notwithstanding; but in such case, the votes of both houses shall be determined by yeas and nays, and be entered upon the journal of each house respectively.

And if the governor shall not return any bill presented to him for approval, after its passage by both houses of the legislative assembly within ten days (Sundays excepted) after such presentation, the same shall become a law, in like manner as if the governor had approved it:

Provided, however, That the assembly shall not have adjourned sine die during the ten days prescribed as above, in which case it shall not become a law:

And provided further, That acts so becoming laws as aforesaid shall have the same force and effect and no other, as other laws passed by the Legislature of said Territory. [July 19, 1876.]

— to become laws if not returned by governor in ten days.

Effect of laws.

CHAP. 222.—An act establishing the rank of the Paymaster-General.

July 22, 1876.

Be it enacted, &c., That from and after the passage of this act, the rank of the Paymaster-General of the United States Army shall be brigadier-general; but no pay or allowances shall be made to said officer other than from the date of appointment under this act. [July 22, 1876.]

19 Stat. L., 95.

Paymaster-General of Army to rank as brigadier-general.

R. S., § 1182.

CHAP. 226.—An act making appropriations for the support of the Army for the fiscal year ending June thirtieth, eighteen hundred and seventy-seven, and for other purposes.

July 24, 1876.

Be it enacted, etc., The Secretary of War shall provide for the care and maintainance of the National Military Cemeteries and for this purpose shall submit an estimate with his annual estimates to Congress and Section four thousand eight hundred and seventy-six of the Revised Statute is hereby repealed. (1) * * *

19 Stat. L., 97.

Sec. of War to have care of national cemeteries, &c.

Repeal of.

R. S., § 4876.

R. S., §§ 4870-4882. 1879, Feb. 3, ch. 44, *post*, p. 214.

SEC. 2. That when any officer (2) 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, or on any railroad on which the troops and supplies of the United States are entitled to be transported free of charge he shall be allowed eight cents a mile, and no more, for each mile actually traveled under such order, distances to be calculated by the shortest usually traveled route; and so much of section twelve hundred and seventy-three of the Revised Statutes, or of any act as conflicts with the provisions of this section, is hereby repealed; * * *

Officers of Army to have mileage in certain cases at eight cents a mile.

R. S., § 1273.

14 C. Cls., 272.

16 Opins., 559.

SEC. 3. That every military post may have one trader, to be appointed by the Secretary of War, on the recommendation of the council of administration, approved by the commanding officer who shall be subject in all respects to the rules and regulations for the government of the Army. * * * [July 24, 1876.]

Post-traders to be appointed; one at each military post, &c.

15 Opins., 278.

16 Opins., 658.

NOTES.—(1) In the second edition of the Revised Statutes section 4876 is printed in italics as repealed.
(2) For laws as to mileage of Army officers, see notes to 1875, March 3, ch. 133, par. 1, *ante*, p. 81, and 1890, June 23, ch. 423, par. 1, *post*, p. 756.

CHAP. 239.—An act to amend an act approved May eight, eighteen hundred and seventy-four, in regard to leave of absence of Army officers.

July 29, 1876.

Be it enacted, &c., That an (1) act approved May eighth, eighteen hundred and seventy-four, in regard to leave of absence of Army officers, be and the same is hereby, so amended that all officers on duty shall be allowed in the discretion of the Secretary of War, sixty days' leave of absence without deduction of pay or allowance:

19 Stat. L., 102.

Officers of Army may have certain leave of absence without deduction of pay.

R. S., § 1265.

16 Opins., 577, 619.

Provided, That the same be taken once in two years:

And provided further, That the leave of absence may be extended to three months, if taken once only in three years, or four months if taken only once in four years.

This act shall take effect from and after its passage. [July 29, 1876.]

NOTE.—(1) The act of 1874, May 8, ch. 154 (18 Stat. L., 43), herein referred to is as follows:
Be it enacted, &c., That all officers on duty at any point west of a line drawn north and south through Omaha City, and north of a line drawn east and west upon the southern boundary of Arizona, shall be allowed sixty days' leave of absence without deduction of pay or allowances: *Provided*, That the same is taken but once in two years: *And provided further*, That the leave of absence may be extended to three months if taken once only in three years; or four months, if taken once only in four years.

Being wholly superseded by the above act, this is omitted from its order but is inserted here for a complete understanding of the above.

July 31, 1876.

19 Stat. L., 102.

CHAP. 246.—An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and seventy-seven, and for other purposes.

Public Printer to employ only skilled workmen.
R. S., § 3763.

—in purchase of materials to invite proposals and award contract to lowest bidder, &c.
R. S., §§ 3767, 3768.

1876, Jan. 25, ch. 4; 1878, Feb. 1, ch. 10; 1882, Dec. 21, ch. 5; 1883, Feb. 12, ch. 43; *post*, pp. 97, 151, 389, 397.

—to be appointed by President, with advice of Senate, &c.

R. S., § 3758.
1876, Aug. 15, ch. 287, par. 3, *post*, p. 119.

—his title, powers, &c.

—to give bond.
R. S., § 3759.

Proclamations and treaties to be published in only one newspaper, &c.

Advertisements for contracts not to be published in Dist. of Col., except, &c.

R. S., §§ 3826–3828.

Cadet third lieutenant for Revenue Marine Service may be appointed.

R. S., § 2749.
16 Opins., 288.

Be it enacted, &c., * * * [Par. 1.] That from and after the passage of this act it shall be the duty of the (1) Public Printer to employ no workmen not thoroughly skilled in their respective branches of industry, as shown by a trial of their skill under his direction;

And whenever it becomes necessary for the Public Printer to make purchases of materials not already due under contracts he shall prepare a schedule of the articles required, showing the description, quantity, and quality of each article and shall invite proposals for furnishing the same either by advertisement or circular, as the Joint Committee on Public Printing may direct, and shall make contracts for the same with the lowest responsible bidder, making a return of the same to the Joint Committee on Public Printing, showing the number of bidders, the amounts of each bid and the awards of the contracts.

That so much of all laws or parts of laws as provide for the election or appointment of Public Printer be, and the same are hereby, repealed, to take effect from and after the passage of this act; and the President of the United States shall appoint by and with the advice and consent of the Senate, a suitable person who must be a practical printer and versed in the art of book-binding, to take charge of and manage the Government Printing Office from and after the date aforesaid:

He shall be called the "Public Printer," and shall be vested with all the powers and subject to all the restrictions pertaining to the officer now known as the Public Printer;

He shall give bond in the sum of one hundred thousand dollars for the faithful performance of the duties of his office, said bond to be approved by the Secretary of the Interior. * *

[Par. 2.] That all executive proclamations, & all treaties required by law to be published, shall be published in only one newspaper the same to be printed and published in the District of Columbia and to be designated by the Secretary of State

And in no case of advertisement for contracts for the public service shall the same be published in any newspaper published and printed in the District of Columbia unless the supplies or labor covered by such advertisement are to be furnished or performed in said District of Columbia. * *

1878, June 20, ch. 359, pars. 4, 5, *post*, p. 202. 1881, Jan. 21, ch. 25, *post*, p. 314.

[Par. 3.] Hereafter upon the occurring of a vacancy in the grade of third lieutenant in the Revenue Marine Service, the Secretary of the Treasury may appoint a cadet, not less than eighteen nor more than twenty-five years of age, with rank next below that of third lieutenant, whose pay shall be three-fourths that of a third lieutenant, and who shall not be appointed to a higher grade until he shall have served a satisfactory probationary term of two years and passed the examination required by the regulations of said service; and upon the promotion of such cadet another may be appointed in his stead; but the whole number of third lieutenants and cadets shall at

NOTE.—(1) Beside R. S., §§ 78, 3756–3822, and the above act, the following laws relate to the Public Printing and the Government Printing Office: 1876, Aug. 15, ch. 287, par. 3, *post*, p. 119, construing the title "Public Printer" herein; 1874, June 23, ch. 454, par. 1, *ante*, p. 41 (see note), number of reports and printing of maps and illustrations; 1878, June 20, ch. 359, par. 1, *post*, p. 201, kind of binding for Departments and estimates for printing; 1884, July 7, ch. 332, *post*, p. 469, not to print matter not authorized by law.

Acts relating to purchase of supplies are as follows: 1876, Jan. 25, ch. 4, *ante*, p. 97; 1878, Feb. 1, ch. 10, *post*, p. 151; 1882, Dec. 21, ch. 2, *post*, p. 389; 1883, Feb. 12, ch. 43, *post*, p. 397.

Acts relating to sale and distribution of public documents: 1880, May 8, Res. No. 31, *post*, p. 311; 1881, Feb. 8, ch. 35, *post*, p. 315; 1888, April 5, Res. No. 10, *post*, p. 636.

Acts relating to Congressional Record are reviewed in note to 1874, June 20, Res. No. 12, *ante*, p. 56. Acts relating to employes in Government Printing Office, are reviewed in note to 1891, March 3, ch. 560, *post*, p. 964.

no time exceed the number of third lieutenants now authorized by law. * *

[Par. 4.] For * * * the metropolitan police for the District of Columbia, * * *. The duties devolved and the authority conferred upon the board of metropolitan police by law, for police purposes, in said District, shall extend to and include all public squares or places; and said board is here by authorized and required to make appropriate rules and regulations in relation thereto. (2)

Powers of police, Dist. Col., extended to public squares, &c.
R. S., § 1819.
R. S. of D. C., §§ 321-438.

* * * 1878, June 11, ch. 180, § 6, *post*, p. 178; 1882, July 1, ch. 258; Aug. 5, ch. 389, par. 7, *post*, pp. 349, 374.

[Par. 5.] That the (3) Superintendent of meters at the Capitol shall hereafter take the statement of the meters of the several Department buildings in the city of Washington, and render to the proper accounting officers of the Treasury Department the consumption of gas each month in said buildings respectively. * *

Superintendent of meters to report consumption of gas in Department buildings.

1874, June 23, ch. 480, § 11, *ante*, p. 54; 1882, Aug. 7, ch. 493, par. 11, *post*, p. 381.

[Par. 6.] For salaries and traveling expenses of agents at seal-fisheries in Alaska, * * * *Provided, however,* That the two assistant agents whose salaries as fixed by law at two thousand one hundred and ninety dollars each per annum, shall be discontinued from and after the first day of October eighteen hundred and seventy-six * *

Two assistant agents at seal-fisheries in Alaska discontinued.

R. S., §§ 1973, 1974.

[Par. 7.] That an accurate account shall be kept by each surveyor-general of the cost of surveying and platting every private land claim to be reported to the General Land Office with the map of such claim; and that a patent shall not issue nor shall any copy of any such survey be furnished for any such private claim until the cost of survey and platting shall have been paid into the Treasury of the United States by the party or parties in interest in said grant or by any other party: * *

Cost of private land claims to be kept and to be paid by parties.

R. S., §§ 2218, 2223.

1875, March 3, ch. 130, par. 10, *ante*, p. 73. 1885, March 3, ch. 360, par. 1, *post*, p. 486. 1891, March 3, ch. 539, § 10, *post*, p. 921.

And provided further, That before any land granted to any railroad company by the United States shall be conveyed to such company, or any persons entitled thereto under any of the acts incorporating or relating to said company, unless such company is exempted by law from the payment of such cost, there shall first be paid into the Treasury of the United States the cost of surveying, selecting, and conveying the same by the said company or persons in interest. * *

—of lands granted to railroads to be paid by companies, &c.

21 C. Cls., 460.

124 U. S., 127.

1886, July 10, ch. 764, § 2, *post*, p. 501.

[Par. 8.] That the land offices at Chillicothe, Ohio, Indianapolis, Indiana, Springfield, Illinois, and the office of recorder of land-titles of the State of Missouri, (4) are hereby abolished, from and after the thirtieth day of September next and the Secretary of the Interior is hereby authorized to transfer to the States respectively aforesaid such of the transcripts, documents, and records of the offices aforesaid as may not be required for the use of the United States, and as the States respectively in which said offices are situated may desire to preserve;

Land offices at Chillicothe, Indianapolis, and Springfield, recorder of land-titles of Missouri, and surveyor-general of Kansas abolished.

R. S., §§ 2207, 2256, pars. 1-3.

1874, June 6, ch. 223, § 3, *ante*, p. 11.

And the office of the surveyor-general of Kansas is hereby abolished from and after the thirtieth of September next. * * [July 31, 1876.]

NOTES.—(2) This provision, repeated with slight verbal changes, from 1875, ch. 130 (18 Stat. L., 385), is repeated in the act of 1877, ch. 105 (19 Stat. L., 346).

(3) This is repeated in 1877, March 3, ch. 105 (19 Stat. L., 359).

(4) See notes to act of 1874, June 6, ch. 223, *ante*, p. 11.

CHAP. 255.—An act making appropriations for the support of the Military Academy for the fiscal year ending June thirtieth, eighteen hundred and seventy-seven.

Aug. 7, 1876.

19 Stat. L., 124.

Be it enacted, &c., * * * That the Secretary of War be hereby directed to detail a competent officer to act as quartermaster and commissary for the battalion of cadets, by whom all purchases and

Quartermaster and commissary for cadets to be de-

tailed and supplies furnished at cost.

R. S., §§ 1309-1341.

1882, June 30, ch. 255, par. 2, post, p. 349.

issues of supplies of all kinds for the cadets, and all provisions for the mess, shall be made, and that all supplies of all kinds and descriptions shall be furnished to the cadets at actual cost, without any commission or advance over said cost; and such officer so assigned shall perform all the duties of purveying and supervision for the mess, as now done by the purveyor, without other compensation. [August 7, 1876.]

Aug. 9, 1876.

CHAP. 256.—An act to establish a new land-district in the Territory of Wyoming.

19 Stat L., 126.

Evansville land-district in Wyoming.

R. S., § 2256.

1887, March 3, ch. 362, par. 5, post, p. 563.

1890, April 23, ch. 153, post, p. 715.

Register and receiver; office may be removed.

R. S., §§ 2234-2247.

Be it enacted, &c., That all the public lands in the Territory of Wyoming lying west of the thirty-first meridian of longitude west from Washington shall constitute a new land-district, to be called the Evanston district.

SEC. 2. That the President be, and he is hereby, authorized to appoint, by and with the advice and consent of the Senate, or during the recess thereof, and until the next session after such appointment, a register and a receiver for said district, who shall be required to reside in the town of Evanston, Wyoming Territory, until such time as the President may, in his discretion, remove the site of said land-office from the said town, be subject to the same laws and be entitled to the same compensation as is or may hereafter be provided by law in relation to the existing land-offices and officers in said Territory. [August 9, 1876.]

Aug. 11, 1876.

CHAP. 260.—An act to amend sub-sections two hundred and forty-six and two hundred and fifty-one of section twelve, of an act entitled "An act making appropriations for the service of the Post Office Department for the fiscal year ending June thirtieth, eighteen hundred and seventy-five, and for other purposes," approved June twenty-third, eighteen hundred and seventy-four, and for other purposes, and section thirty-nine hundred and fifty-four of the Revised Statutes.

19 Stat. L., 129.

Substitute for
1874, June 23, ch. 456, § 12, sub-secs. 246, 251, ante, pp. 44, 45, and 18 Stat. L., 235.

Be it enacted, &c., That sub-sections two hundred and forty-six and two hundred and fifty-one of section twelve, of an act entitled "An act making appropriations for the service of the Post Office Department for the fiscal year ending June thirtieth, eighteen hundred and seventy-five, and for other purposes," approved June the twenty-third, eighteen hundred and seventy-four, and for other purposes, and also to amend section thirty-nine hundred and fifty-four of the Revised Statutes be amended as follows:

"SEC. 246. That before the bond of a bidder, provided for in the aforesaid section, is approved, there shall be indorsed thereon the oaths of the sureties therein, taken before an officer qualified to administer oaths, that they are owners of real estate worth in the aggregate a sum double the amount of said bond, over and above all debts due and owing by them, and all judgments, mortgages, and executions against them, after allowing all exemptions of every character whatever.

Accompanying said bond and as a part thereof, there shall be a series of interrogatories, in print or writing, to be prescribed by the Postmaster-General, and answered by the sureties under oath showing the amount of real estate owned by them, a brief description thereof, and its probable value, where it is situated, in what county and State the record evidence of their title exists.

And if any surety shall knowingly and willfully swear falsely to any statement made under the provisions of this section he shall be deemed guilty of perjury, and, on conviction thereof, be punished as is provided by law for commission of the crime of perjury."

"SEC. 251. That after any regular bidder whose bid has been accepted shall fail to enter into contract for the transportation of the

Sureties on bonds of bidders for carrying mail to take oath and answer interrogatories, &c.

R. S., §§ 3946, 3947, 3953.

1878, May 17, ch. 107, post, p. 164.

—knowingly swearing falsely; how punished.

R. S., § 5392.

Proceedings on failure of lowest

mails according to his proposals, or having entered into contract, shall fail to commence the performance of the service stipulated in his or their contract as therein provided, the Postmaster-General shall proceed to contract with the next lowest bidder or bidders in the order of their bids, for the same service, who will enter into a contract for the performance thereof, unless the Postmaster-General shall consider such bid or bids too high, and in case each of said bids shall be considered too high, then the Postmaster-General shall be authorized to enter into contract, at a price less than that named in said bids, with any person, whether a bidder or not, who will enter into contract to perform the service in accordance with the terms and provisions prescribed for the execution of other contracts for similar service; and in case no satisfactory contract can be thus obtained, he shall re-advertise such route.

And if any bidder whose bid has been accepted, and who has entered into a contract to perform the service according to his proposal, and in pursuance of his contract has entered upon the performance of the service, to the satisfaction of the Postmaster-General, shall subsequently fail or refuse to perform the service according to his contract, the Postmaster-General shall proceed to contract with the next lowest bidder for such service, under the advertisement thereof, (unless the Postmaster-General shall consider such bid too high) who will enter into contract and give bond, with sureties, to be approved by the Postmaster-General, for the faithful performance thereof, in the same penalty and with the same terms and conditions thereto annexed as were stated and contained in the bond which accompanied his bid;

And in case said next lowest bidder shall decline to enter into contract for the performance of such service, then the Postmaster-General may award the service to, and enter into contract with, any person, whether a bidder on said route or not, who will enter into contract to perform the service and execute a bond of like tenor and effect as that required of bidders, in a penalty to be prescribed, and with sureties to be approved by the Postmaster-General, for the performance of the service contracted to be performed at a price not exceeding that named in the bid of the said next lowest bidder;

And if no contract can be secured at the price named in said next lowest bid, then the Postmaster-General shall proceed to secure a contract, at a price not considered too high, with any person who will execute such contract in accordance with the law applicable thereto, giving in all cases, the preference to the regular bidders on the list whose bids do not exceed the price at which others will contract therefor;

And if no satisfactory contract can be thus secured, the route shall be re-advertised.

Whenever an accepted bidder shall fail to enter into contract, or a contractor on any mail-route shall fail or refuse to perform the service on said route according to his contract, or when a new route shall be established or new service required, or when, from any other cause, there shall not be a contractor legally bound or required to perform such service, the Postmaster-General may make a temporary contract for carrying the mail on such route, without advertisement, for such period as may be necessary, not in any case exceeding six months, until the service shall have commenced under a contract made according to law:

Provided, however, That the Postmaster-General shall not employ temporary service on any route at a higher price than that paid to the contractor who shall have performed the service during the last preceding contract term.

And in all cases of regular contracts hereafter made, the contract may, in the discretion of the Postmaster-General, be continued in force beyond its express terms for a period not exceeding six months,

bidder to enter into contract, &c.
R. S., §§ 3951-3954.

1878, May 17, ch. 107, *post*, p. 164.

Proceedings on failure or refusal of contractor to perform service.

— on failure of accepted bidder, &c., to enter into contract.

1879, June 12, ch. 20, *post*, p. 266.

Limit of price of temporary service.

Contracts may be continued six months beyond term.

Penalty for wrongfully failing to enter into contract.

Substitute for. R. S., § 3954.

—prima facie evidence in such case.

until a new contract with the same or other contractors shall be made by the Postmaster-General."

And that section thirty-nine hundred and fifty-four of the Revised Statutes be amended to read as follows: (1)

"Any person or persons bidding for the transportation of the mails upon any route which may be advertised to be let, and receiving an award of the contract for such service, who shall wrongfully refuse or fail to enter into contract with the Postmaster-General in due form to perform the service described in his or their bid or proposal, or having entered into such contract shall wrongfully refuse or fail to perform such service, shall, for any such failure or refusal, be deemed guilty of a misdemeanor, and be punished by a fine of not more than five thousand dollars, and by imprisonment for not more than twelve months.

"And the failure or refusal of any such person or persons to enter into such contract in due form, or having entered into such contract the failure or refusal to perform such service, shall be prima-facie evidence in all actions or prosecutions arising under this section that such failure or refusal was wrongful." [August 11, 1876.]

NOTE.—(1) This amendment has been incorporated into § 3954 of the second edition of the Revised Statutes.

Aug. 12, 1876.

CHAP. 263.—An act concerning the employment of Indian Scouts.

19 Stat. L., 131.
One thousand Indian scouts to be employed, &c.
R. S., §§ 1094, 1112.

1876, July 24, ch. 226, § 1 (19 Stat. L., 97); 1879, June 23, ch. 35, par. 1, post, p. 267.

—to receive pay for use of their own horses.

Be it enacted, &c., That so much of the Army appropriation act of twenty-fourth July, eighteen hundred and seventy-six, as limits the number of Indian scouts to three hundred is hereby repealed; and sections ten hundred and ninety-four and eleven hundred and twelve of the Revised Statutes, authorizing the employment of one thousand Indian scouts, are hereby continued in force:

Provided, That a proportionate number of non-commissioned officers may be appointed.

And the scouts, when they furnish their own horses and horse-equipments, shall be entitled to receive forty cents per day for their use and risk so long as thus employed. [August 12, 1876.]

Aug. 14, 1876.

CHAP. 267.—An act making appropriations for the construction, repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes.

19 Stat. L., 132.

Injuring river and harbor improvements, how punished.

1890, Sept. 19, ch. 907, §§ 9, 10, post, p. 802.

Be it enacted, &c., SEC. 3. * * Any person who shall willfully and unlawfully injure any pier, breakwater, or other work of the United States for the improvement of rivers or harbors, or navigation in the United States, shall, on conviction thereof, be punished by a fine not exceeding one thousand dollars. [August 14, 1876.]

Aug. 14, 1876.

CHAP. 270.—An act establishing the port of Saint Paul, Minnesota, as a port of appraisal.

19 Stat. L., 139.

Appraisers at Saint Paul; salary.
R. S., §§ 2595, 2701.

1888, May 2, ch. 227, post, p. 585

Be it enacted, &c. [Section 1 is superseded, 1880, June 10, ch. 190, §§ 7, 8, post, p. 294.]

SEC. 2. That the appraiser (1) at the port of Saint Paul shall receive the same amount of salary that the deputy collector of that port now receives. [August 14, 1876.]

NOTE.—(1) When, by the first section of this act, Saint Paul was added to the list of ports at which imports might be entered for transportation in bond, &c., it seems to have been assumed that an appraiser for that port could be appointed by existing law; and it would have been so under the act of 1870, ch. 255, § 36 (16 Stat. L., 271); but the general authority to appoint an appraiser "at each of said ports, for which an appraiser of imported merchandise is not now provided by law," was not incorporated into the Revised Statutes.

Thus the only authority for appointing an appraiser at Saint Paul is found in this act fixing the salary of such an officer.

CHAP. 287.—An act making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June thirtieth, eighteen hundred and seventy-seven, and for other purposes.

Aug. 15, 1876.

19 Stat. L., 143.

Be it enacted, &c. * * [Par. 1.] That so much of the Joint Resolution approved July fifteenth, eighteen hundred and seventy, as authorizes the employment of additional police force is hereby repealed to take effect from and after the thirtieth day of June eighteen hundred and seventy-six. (1) * *

[Par. 2.] The Clerk of the House of Representatives is authorized and directed to sign, during the recess of Congress after the first session and until the first day of the second session, the certificates for the monthly compensation of members and delegates in Congress, which certificates shall be in the form now in use, and shall have the like force and effect as is given to the certificate of the Speaker: * *

[Par. 3.] That the term "Public Printer" as employed in that part of the act making appropriations for sundry civil expenses of the Government for the current fiscal year which repeals all laws providing for the election or appointment of Public Printer shall be construed as embracing that officer whether known as Congressional Printer or Public Printer.

[Par. 4.] That all the duties relative to the Capitol building heretofore performed by the Commissioner of public buildings and grounds, shall hereafter be performed by the Architect of the Capitol, whose office shall be in the Capitol building. * *

[Par. 5.] And the Secretary of the Treasury is hereby directed to consolidate the division of loans and the division of currency into one division; and all work now down in either division shall be done in the consolidated division: * *

[Par. 6.] And hereafter the transmission of internal revenue stamps to the officers of the internal revenue service shall be made through the mails of the United States in registered packages. * *

[Par. 7.] And hereafter no storekeeper shall receive a greater compensation than four dollars per day; and said gaugers and storekeepers, respectively shall only receive compensation when rendering actual service.

[Par. 8.] And sections thirty-one hundred and fifty-nine, and thirty-one hundred and sixty of the Revised Statutes, and all laws and parts of laws in conflict with the provisions of the foregoing paragraphs relating to the internal revenue service, are hereby repealed. (2)

The powers of transfer, and of suspension, of officers conferred upon supervisors by section thirty-one hundred and sixty-three of the Revised Statutes, are hereby vested in the Commissioner of Internal Revenue; and all other powers conferred, and duties imposed, by said section upon supervisors, are hereby conferred and imposed upon collectors of internal revenue within their respective districts.

In case of the supervision (3) of a collector, under the power hereby conferred, the Commissioner of Internal Revenue shall, as soon thereafter as practicable, report the case to the President through the Secretary of the Treasury for such action as he may deem proper.

NOTES.—(1) That part of the resolution of 1870, July 15, No. 131 (16 Stat. L., 391) here referred to, is incorporated in Revised Statutes, § 1826.

(2) The sections hereby repealed are so noted and printed in the second edition of the Revised Statutes.

(3) This word should be *suspension*, instead of *supervision*, as the context shows, and as it was in the former act on this subject, but it is engrossed on the roll as here printed.

Additional police force at Capitol not to be employed.

R. S., § 1826.

Clerk of House may sign certificates for compensation during recess.

R. S. §§ 38, 47, 48.

1890, Oct. 1, ch. 1256, § 1, *post*, p. 876.

Public Printer.

R. S., § 3758.

1874, June 23, ch. 455, par. 1; 1876 July 31, ch. 246, par. 1, and note *ante*, pp. 41, 114.

Architect of Capitol; additional duties transferred to him.

R. S., §§ 1797, 1874, June 23, ch. 455, par. 1; 1876 July 31, ch. 246, par. 1, and note *ante*, pp. 41, 114.

Division of loans and currency consolidated.

1875, March 3, ch. 130, § 2 and note, *ante*, p. 76.

Internal-revenue stamps to be sent by mail.

Pay of gaugers and storekeepers.

R. S., §§ 3153, 3157.

Supervisors of internal-revenue abolished.

Repealing.

R. S., §§ 3159, 3160.

—power of, transferred to Commissioner and collectors.

R. S., §§ 3154, 3159, 3160, 3163.

1879, March 1, ch. 125, § 2, *post*, p. 223.

Suspension of collectors of internal revenue.

Packages of spirits filled on premises of wholesale dealer to be stamped under regulations.

R. S., § 3321.

R. S., § 3323, in part.

3 Fed., Rep. 21.

Storekeeper and gauger duties may be united in one officer, who shall have commission and give bond.

R. S., §§ 3153, 3156.

1879, March 1, ch. 125, § 2, *post*, p. 223.

1885, March 3 ch. 343, *post*, p. 484.

Assistant treasurer at Charleston abolished.

R. S., §§ 3595, 3608, 3615.

Depositories of public money at Buffalo, Santa Fé, and Pittsburgh discontinued.

New Orleans mint. Assaying bullion authorized.

1874, June 20, ch. 328, par. 7, *ante*, p. 17.

Clerks of higher grade may be diminished and of lower increased, &c.

R. S., §§ 161, 163, 167. 1882, Aug. 5, ch. 389, § 4, *post*, p. 374.

Discharged soldiers and sailors and their widows, &c., to be preferred in retaining clerks.

R. S., § 1754.

[Par. 9.] And sections thirty-three hundred and twenty-one of the Revised Statutes, and thirty-three hundred and twenty-three, so far as the latter relates to wholesale liquor-dealers' packages filled on the premises of wholesale liquor dealers, shall, from and after ten days from the passage of this act, be repealed; and packages of distilled spirits filled on the premises of any wholesale liquor dealer shall thereafter be stamped under such rules and regulations as the Commissioner of Internal Revenue may prescribe. (4)

That the Secretary of the Treasury may, upon the recommendation of the Commissioner of Internal Revenue, impose the duties of storekeeper and gauger upon one officer, where the amount of spirits produced at the distillery, to which such officer may be assigned, is not sufficient, in the judgment of the Commissioner to warrant the employment of two officers to perform the separate duties of storekeeper and gauger.

The Secretary of the Treasury may issue a commission to such officer as storekeeper and gauger, but the compensation for his services as storekeeper and gauger shall be that of storekeeper only.

And the said officer shall before entering upon the discharge of such duties, give a bond in the penal sum of not less than five thousand dollars for the faithful performance of the combined duties of storekeeper and gauger. * *

[Par. 10.] And so much of section thirty-five hundred and ninety-five of the Revised Statutes as provides for the appointment of an assistant treasurer of the United States at Charleston is hereby repealed from and after September, thirtieth, eighteen hundred and seventy-six;

And the secretary of the Treasury is directed to discontinue, from said date, the depositories at Buffalo, New York Santa Fé, New Mexico, and Pittsburgh, Pennsylvania. * *

[Par. 11.] MINT AT NEW ORLEANS, Louisiana: * * And the assaying and stamping of bullion is hereby authorized, subject to the provisions of the coinage act of eighteen hundred and seventy-three. * * (5)

SEC. 3. That whenever, in the judgment of the head of any department, the duties assigned to a clerk of one class can be as well performed by a clerk of a lower class or by a female clerk, it shall be lawful for him to diminish the number of clerks of the higher grade and increase the number of the clerks of the lower grade within the limit of the total appropriation for such clerical service:

Provided, That in making any reduction of force in any of the executive departments, the head of such department shall retain those persons who may be equally qualified who have been honorably discharged from the military or naval service of the United States and the widows and orphans of deceased soldiers and sailors. * * [August 15, 1876.]

Notes—(4) These amendments have been incorporated into the second edition of the Revised Statutes in the section referred to.

(5) This provision is repeated in the subsequent appropriation act (19 Stat. L., 307). The provisions of the act of 1873, ch. 131 (17 Stat. L., 435), are incorporated into Revised Statutes, §§ 3495-3562.

CHAP. 289.—An act making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty-stipulations with various Indian tribes, for the year ending June thirtieth, eighteen hundred and seventy-seven, and for other purposes.

Aug. 15, 1876.
19 Stat. L., 176.

Be it enacted, &c. * * **SEC. 3.** That in all lettings of contracts in connection with the Indian service, the proposals or bids received shall be filed and preserved;

And in the annual report of the Commissioner of Indian Affairs, there shall be embodied a detailed and tabular statement of all bids and proposals received for any services, supplies, or annuity-goods for the Indian service, together with a detailed statement of all awards of contracts made for any such services, supplies, and annuity-goods for which said bids or proposals were received;

And an abstract of all bids or proposals received for the supplies or services embraced in any contract shall be attached to, and filed with, the said contract when the same is filed in the office of the Second Comptroller of the Treasury.

SEC. 4. That hereafter the estimates for appropriations for the Indian service shall be presented in such form as to show the amounts required for each of the agencies in the several States or Territories, and for said States and Territories respectively.

SEC. 5. And hereafter the Commissioner of Indian Affairs shall have the sole power and authority to appoint Traders to the Indian tribes and to make such rules and regulations as he may deem just and proper specifying the kind and quantity of goods and the prices at which such goods shall be sold to the Indians. * * [August 15, 1876.]

In contracts in Indian service proposals, &c., to be filed and Secretary to report to Congress.

1875, Mar. 3, ch. 132, §§ 7, 9, *ante*, p. 80.

— abstract to be filed with Second Comptroller.

R. S., §§ 468, 469, 2083.

Estimates for Indian appropriations; how presented.

R. S., § 3669.

Indian traders, how appointed, &c.

R. S., §§ 2129-2131.

1882, July 31, ch. 360, *post*, p. 362.

CHAP. 290.—An act to carry into effect a convention between the United States of America and his Majesty the King of the Hawaiian Islands, signed on the thirtieth day of January, eighteen hundred and seventy-five.

Aug. 15, 1876.
19 Stat. L., 200.

Be it enacted, &c., That whenever the President of the United States shall receive satisfactory evidence that the legislature of the Hawaiian Islands have passed laws on their part to give full effect to the provisions of the convention between the United States and his Majesty the King of the Hawaiian Islands, signed on the thirtieth day of January, eighteen hundred and seventy-five, he is hereby authorized to issue his proclamation declaring that he has such evidence; and thereupon, from the date of such proclamation, (1) the following articles, being the growth and manufacture or produce of the Hawaiian Islands, to wit,

Arrow-root; castor-oil; bananas; nuts; vegetables, dried and undried, preserved and unpreserved; hides and skins, undressed; rice; pulu; seeds; plants; shrubs, or trees; muscovado, brown, and all other unrefined sugar, meaning hereby the grades of sugar heretofore commonly imported from the Hawaiian Islands, and now known in the markets of San Francisco and Portland as "Sandwich Island sugar;" syrups of sugar-cane, melado, and molasses; tallow,

Shall be introduced into the United States free of duty so long as the said convention shall remain in force. [August 15, 1876.]

NOTE.—(1) On the 9th of September, 1876, the President issued his proclamation declaring that he had evidence that the Hawaiian Islands had passed laws to give effect to the convention here referred to. See convention of reciprocity and proclamation, 1876, No. 7, (19 Stat. L., 625, 606).

Certain products of Hawaiian or Sandwich Islands admitted free of duty.

R. S., § 2504, 2d ed., pp. 468, 473, 476, 478, 480.

1891, March 3, ch. 534, *post*, p. 910.
122 U. S., 117.

1890, Oct. 1, ch. 1244, note, p. 812.

CHAP. 297.—An act relating to partition of real estate in the District of Columbia.

Aug. 15, 1876.

19 Stat. L., 202.

Be it enacted, &c., That all tenants in common and coparceners of any estate in lands tenements, or hereditaments, equitable as well as legal, within the District of Columbia, may, in the discretion of the

Partition of lands among tenants in common in

District of Columbia; how made. Court, be compelled in any court of competent jurisdiction, to make, or suffer partition of such estate or estates.

In proceedings for partition all persons in interest shall be made parties in the same manner as in cases of equity jurisdiction.

And in proceedings for partition under this act, the court may in addition to the powers herein conferred, exercise such powers as are or may be conferred by virtue of the general equity jurisdiction of the court.

Court may decree sale and division of proceeds.

SEC. 2. That the court, in all cases, in decreeing partition, may, if it satisfactorily appears that said lands and tenements, or any estate or interest therein, cannot be divided without loss or injury to the parties interested, decree a sale thereof, and a division of the money arising from such sale among the parties, according to their respective rights and interests.

In case of sale, how payments to be made.

SEC. 3. That in all such sales, unless the court shall by special order direct or require on good cause shown, that the sale be made for cash, the purchase money shall be payable, one third on day of sale, one-third in one year, and one-third in two years thereafter, with interest, the deferred payments to be secured to the parties, according to their respective interests, by good and sufficient mortgage upon the premises so sold, which shall be subject to the approval of the court. [August 15, 1876.]

Aug. 15, 1876.

19 Stat. L., 203.

CHAP. 300.—An act to regulate the issue of artificial limbs to disabled soldiers, seamen and others.

Soldiers and sailors maimed to have artificial limbs, &c., once in five years.

R. S., § 4787, 4788.

1891, Mar. 3, ch. 542, par. 4; ch. 562; post, pp. 927, 947.

Be it enacted, &c., That every officer, soldier, seaman and marine, who, in the line of duty, in the military or naval service of the United States, shall have lost a limb, or sustained (1) bodily injuries, depriving him of the use of any of his limbs, shall receive once every (2) five years an artificial limb or appliance, or commutation therefor, as provided and limited by existing laws, under such regulations as the Surgeon-General of the Army may prescribe;

And the period of five years shall be held to commence with the filing of the first application after the seventeenth day of June, in the year eighteen hundred and seventy.

—to have transportation to obtain artificial limbs.

R. S., § 4791.

Act not subject to act of 1874, June 18, ch. 299 (18 Stat. L., 78).

SEC. 2. That necessary transportation to have artificial limbs fitted shall be furnished by the Quartermaster-General of the Army, the cost of which shall be refunded out of any money appropriated for the purchase of artificial limbs:

Provided, That this act shall not be subject to the provisions of an act (3) entitled "An act to increase pensions," approved June eighteenth, eighteen hundred and seventy-four. [August 15, 1876.]

NOTES.—(1) As to trusses in case of rupture, see 1879, March 3, ch. 173, post, p. 244.

(2) Changed to three years by act of 1891, ch. 562, cited in margin.

(3) This act, having been superseded by 1886, Aug. 4, ch. 899, post, p. 511, is omitted from this volume. It provided that no artificial limbs or commutation should be given to persons entitled to pensions under it for loss of limb.

Aug. 15, 1876.

19 Stat. L., 204.

Substitute for R. S., § 1460.

CHAP. 302.—An act relating to the promotion of Commodores on the retired list of the Navy. (1)

NOTE.—(1) This act is incorporated in § 1460 of the Revised Statutes, in the second edition. It relates to promotion on the retired list of the Navy, and is omitted because that is now prohibited by 1882, Aug. 5, ch. 391, par. 4, post, p. 377, and this act and said § 1490 are superseded.

CHAP. 304.—An act to provide for the appointment of commissioners for taking affidavits, &c., for the courts of the United States.

Aug. 15, 1876.

19 Stat. L., 206.

Be it enacted, &c., That notaries public of the several States, Territories, and the District of Columbia be, and they are hereby, authorized to take depositions, and do all other acts in relation to taking testimony to be used in the courts of the United States, take acknowledgments and affidavits, in the same manner and with the same effect as commissioners of the United States circuit court may now lawfully take or do. [August 15, 1876.]

Notaries public of States, &c., may take depositions, &c., to be used in courts.

R. S., § 863-872, 1778, 4905.

107 U. S., 671.

5 Fed. Rep., 786.

17 Fed. Rep., 511.

CHAP. 307.—An act to create an additional land office at Colfax, Whitman County, Washington Territory.

Aug. 15, 1876.

19 Stat. L., 207.

Be it enacted, &c., That the President of the United States be, and he is hereby, authorized to establish an additional land-district in the Territory of Washington, which district shall be bounded as follows, namely:

Whitman, Washington, land-district established.

R. S., § 2256.

Commencing at a point where the Columbia guide-meridian intersects the third standard parallel in said Territory; thence east along the line of said standard parallel to where the same intersects Snake River; thence along said Snake River to where the same intersects the boundary-line between Washington Territory and Idaho Territory; thence north on said boundary-line to where the same intersects the boundary-line between Washington Territory and British Columbia; thence west along said line to where the same intersects the aforementioned Columbia guide-meridian; thence south along the line of said meridian to the place of beginning.

1880, June 16,

ch. 242, *post*, p. 300.

1890, May 16, ch.

215, *post*, p. 741.

Said district, as above bounded, shall be known and designated as the Whitman district, and the office of said district shall be located at the town of Colfax, or at such place as the President may direct, in the Territory of Washington; and the President of the United States shall have power to change the location of said land-office, in said Territory, from time to time, as the public interests may seem to require.

— with office at Colfax, until changed by President.

SEC. 2. That the President is hereby authorized to appoint, by and with the advice and consent of the Senate, or during the recess thereof, a register and a receiver for the district hereby created, who shall each reside in the place where said land-office is located, and shall have the same powers, responsibilities, and emoluments, and be subject to the same acts and penalties, which are or may be prescribed by law in relation to other land officers in said Territory.

Register and receiver for.

R. S., §§ 2234-2247.

SEC. 3. That the public lands in said district shall be subject to sale and disposal upon the same terms and conditions as other public lands of the United States:

Public lands in, subject to sale.

Provided, That all sales and locations made at the office of the old district of land situated within the limits of the new district, which shall be valid and right in other respects up to the day on which the new office shall go into operation, be, and the same are hereby confirmed. [August 15, 1876.]

RESOLUTIONS.

NUMBER 10.—Joint resolution concerning special-tax stamps.

May 8, 1876.

Be it resolved, &c., That nothing contained in chapter three of title thirty-five of the Revised Statutes shall prevent the issue, under such regulations as the Commissioner of Internal Revenue may pre-

19 Stat. L., 213.

Special-tax stamps to retail dealers in liquors

and tobacco on railway-trains, vessels, &c.

R. S., § 3244.

scribe, of special-tax stamps to persons carrying on the business of retail dealers in liquors, retail dealers in malt liquors, or (1) dealers in tobacco, upon passenger railroad-trains or upon steamboats or other vessels engaged in the business of carrying passengers. [*May 8, 1876.*]

NOTE.—(1) Special taxes upon dealers in tobacco are repealed by 1890, Oct. 1, ch. 1244, §26, *post*, p. 862.

July 3, 1876.

19 Stat. L., 214.

Arms to be issued to Territories and border States.

R. S., § 1667.

NUMBER 13.—Joint resolution authorizing the Secretary of War to issue arms.

Resolved, &c., That the Secretary of War is hereby authorized to cause to be issued to the Territories, and the States bordering thereon, such arms as he may deem necessary for their protection, not to exceed one thousand to said States [*and Territories*] (1) each [and ammunition for the same, not to exceed fifty ball-cartridges for each arm], [*and not more than five hundred to each of said Territories*] (1):

—kind of arms.

Provided, That such issues shall be only from arms owned by the Government which have been superseded and no longer issued to the Army:

—manner of issue.

Provided however, That said arms shall be issued only in the following manner, and upon the following conditions, namely, upon the requisition of the governors of said States or Territories showing the absolute necessity of arms for the protection of the citizens and their property against Indian raids into said States or Territories also that militia companies are regularly organized and under control of the governors of said States or Territories to whom said arms are to be issued, and that said governor or governors shall give a good and sufficient bond for the return of said arms or payment for the same at such time as the Secretary of War may designate. [*July 3, 1876.*]

NOTE (1).—The words in brackets indicate the amendments made by the resolution of 1877, March 3, No. 7, and the act of 1878, May 16, ch. 106; the words in *italics* being stricken out and those in Roman inserted; see also resolution of 1878, June 7, No. 26, *post*, pp. 148, 164, 205. See also special provisions of 1878, March 9, Res. No. 13 (20 Stat. L., 248), and 1889, Jan. 16, chs. 47, 48 (25 Stat. L. 648).

July 22, 1876.

19 Stat. L., 215.

Silver coin to be issued in exchange for legal-tender notes, &c.

R. S., §§ 3513, 3572.

1879, June 9, ch. 12; June 21, ch. 34, § 3, *post*, pp. 264, 267.

Fractional currency to be destroyed.

1876, April 17, ch. 63, § 2, *ante*, p. 98.

Trade dollar not to be legal tender.

R. S., §§ 3513, 3586.

1887, March 3, ch. 396, *post*, p. 568.

Fifty million dollars of subsidiary silver coin may be issued.

R. S., § 3513.

NUMBER 17.—Joint resolution for the issue of silver coin. (1)

Resolved, &c., That the Secretary of the Treasury, under such limits and regulations as will best secure a just and fair distribution of the same through the country, may issue the silver coin at any time in the Treasury to an amount not exceeding ten million dollars, in exchange for an equal amount of legal-tender notes; and the notes so received in exchange shall be kept as a special fund separate and apart from all other money in the Treasury, and be re-issued only upon the retirement and destruction of a like sum of fractional currency received at the Treasury in payment of dues to the United States;

And said fractional currency, when so substituted, shall be destroyed and held as part of the sinking fund, as provided in the act approved April seventeen, eighteen hundred and seventy-six.

SEC. 2. That the trade dollar shall not hereafter be a legal tender, and the Secretary of the Treasury is hereby authorized to limit from time to time, the coinage thereof to such an amount as he may deem sufficient to meet the export demand for the same.

SEC. 3. That in addition to the amount of subsidiary silver coin authorized by law to be issued in redemption of the fractional currency it shall be lawful to manufacture at the several mints, and issue through the Treasury and its several offices, such coin, to an

NOTE.—(1) See note on silver coinage to 1890, July 14, ch. 708, *post*, p. 774.

amount, that, including the amount of subsidiary silver coin and of fractional currency outstanding, shall, in the aggregate, not exceed, at any time, fifty million dollars.

SEC. 4. That the silver bullion required for the purposes of this resolution shall be purchased, from time to time, at market-rate, by the Secretary of the Treasury, with any money in the Treasury not otherwise appropriated; but no purchase of bullion shall be made under this resolution when the market-rate for the same shall be such as will not admit of the coinage and issue, as herein provided, without loss to the Treasury; and any gain or seigniorage arising from this coinage shall be accounted for and paid into the Treasury, as provided under existing laws relative to the subsidiary coinage:

Provided, That the amount of money at any one time invested in such silver bullion, exclusive of such resulting coin, shall not exceed two hundred thousand dollars. [*July 22, 1876.*]

1875, Jan. 14, ch. 15, *ante*, p. 58.

1876, Apr. 17, ch. 63, *ante*, p. 98.
15 Opins., 312.

Purchase of silver bullion; price limited; seigniorage to be accounted for.

R. S., § 3526.

Amount to be invested in silver bullion limited.

R. S., § 3526.

FORTY-FOURTH CONGRESS—SECOND SESSION,

IN

THE YEAR 1877.

CHAP. 18.—An act providing for the sale of Saline lands. (1)

Jan. 12, 1877.

Be it enacted, &c., That whenever it shall be made appear to the register and the receiver of any land office of the United States that any lands within their district are saline in character, it shall be the duty of said register and said receiver, under the regulations of the General Land Office, to take testimony in reference to such lands to ascertain their true character, and to report the same to the General Land office;

19 Stat. L., 221.
Saline lands to be examined by registers and receivers.
R. S., § 2258.

And if, upon such testimony, the Commissioner of the General Land office shall find that such lands are saline and incapable of being purchased under any of the laws of the United States relative to the public domain, then, and in such case, such lands shall be offered for sale by public auction at the local land office of the district in which the same shall be situated, under such regulations as shall be prescribed by the Commissioner of the General Land office, and sold to the highest bidder for cash, at a price not less than one dollar and twenty-five cents per acre;

—to be sold at public auction.
R. S., §§ 2358-2379.

And in case said lands fail to sell when so offered, then the same shall be subject to private sale, at such land office, for cash, at a price not less than one dollar and twenty-five cents per acre, in the same manner as other lands of the United States are sold,

—may be sold at private sale; when.

Provided, That the foregoing enactments shall not apply to any State or Territory which has not had a grant of salines by act of Congress, nor to any State which may have had such a grant, until either the grant has been fully satisfied, or the right of selection thereunder has expired by efflux of time. (2)

Act not to apply to certain States, &c.

But nothing in this act shall authorize the sale or conveyance of any title other than such as the United States has, and the patents issued shall be in the form of a release and quit-claim of all title of the United States in such lands.

Patents to be only a release, &c.

SEC. 2. That all executive proclamations relating to the sales of Public Lands shall be published in only one newspaper, the same to be printed and published in the State or Territory where the lands are situated, and to be designated by the Secretary of the Interior. [January 12, 1877.]

Proclamation of sale of public lands; where to be published.
R. S., § 2359.
1876, July 4, ch. 165, ante, p. 109.

NOTES.—(1) This act is retained, although it may be repealed by 1891, March 3, ch. 561, § 9, post, p. 943.
(2) The grant of salines is made to Colorado by 1876, Mar. 3, ch. 139, § 11 (18 Stat. L., 476), and North and South Dakota, Montana, Washington, Idaho, and Wyoming are expressly excluded from such grants in the acts admitting them, 1889, Feb. 22, ch. 180, § 17, post, p. 648, 1890, July 3, ch. 656; § 11, July 10, ch. 664, § 11, post, pp. 766, 770. Provisions in regard to the other States will be found in the earlier volumes of the Statutes at Large.

CHAP. 22.—An act to amend section ten hundred and thirty-six of the Revised Statutes relating to the District of Columbia.

Jan. 16, 1877.

19 Stat. L., 222.

Be it enacted, &c., That section ten hundred and thirty-six of the Revised Statutes relating to the District of Columbia be amended to read as follows: (1)

In District of Columbia, constables to take oath and give bond.

NOTE.—(1) The approval of bonds by the clerk seems to be superseded by 1878, June 8, ch. 162, § 3, post, p. 171.

Substitute for.
R. S. of D. C., §
1086.
1878, June 8, ch.
162, post, p. 171.

“Each constable shall, before performing any of the duties of his office, take the oath prescribed for civil officers in the District, and shall enter into a bond to the United States in the sum of five thousand dollars, with security, to be approved by the clerk of the supreme court of the District, conditioned for the faithful performance of the duties of his office, and for the punctual payment of all moneys coming into his hands to the persons entitled to receive the same.

And the clerk of said supreme court shall approve of no bond of any constable until at least three bondsmen shall sign said constable's bond, and each of said bondsmen shall file with said constable's bond an affidavit that he is the owner in fee-simple of unincumbered real estate, situated in the District of Columbia, of the cash value of at least five thousand dollars.” [January 16, 1877.]

Jan. 16, 1877.

19 Stat. L., 222.

CHAP. 23.—An act authorizing the recorder of the District of Columbia to appoint an assistant with certain powers.

Recorder of deeds in District of Columbia may appoint deputy.

R. S. of D. C., §§
467-471.

Be it enacted, &c., That the recorder of deeds for the District of Columbia is authorized to appoint a deputy recorder; and all deeds of conveyance, leases, powers of attorney, and other written instruments required to be filed and recorded, and all copies of instruments and records, and certificates authorized by law, filed, recorded, made, and certified by the deputy recorder, shall have the same legality, force, and effect as if performed by the recorder.

Deputy to act in case of vacancy.

In case of a vacancy in the office of recorder by death, resignation, or other cause, the deputy recorder shall act until a recorder shall be duly appointed and qualified:

No additional expense or fees allowed.

Provided, That no additional expense shall be incurred by the District for said deputy, and no other fees shall be allowed than are now provided by law. [January 16, 1877.]

Jan. 16, 1877.

19 Stat. L., 223.

CHAP. 24.—An act to amend section fifty-four hundred and fifty-seven of the Revised Statutes of the United States relating to counterfeiting. (1)

Counterfeiting g, &c., gold or silver coin or bars; how punished. *Substitute for—*

R. S., § 5457.
1891, Feb. 10, ch.
127, post, p. 869.
10 Pet., 618.
9 How., 560.
5 McLean, 23,
208.
4 Wash., 733.
18 Fed. Rep., 823.
31 Fed. Rep., 68.

Be it enacted, &c., That Section fifty-four hundred and fifty-seven of the Revised Statutes of the United States be, and the same is hereby amended so as to read as follows: (1)

“Every person who falsely makes, forges, or counterfeits, or causes or procures to be falsely made, forged, or counterfeited, or willingly aids or assists in falsely making, forging, or counterfeiting any coin or bars in resemblance or similitude of the gold or silver coins or bars which have been, or hereafter may be, coined or stamped at the mints and assay-offices of the United States, or in resemblance or similitude of any foreign gold or silver coin which by law is, or hereafter may be, current in the United States, or are in actual use and circulation as money within the United States, or who passes, utters, publishes, or sells, or attempts to pass, utter, publish, or sell, or bring into the United States from any foreign place, knowing the same to be false, forged, or counterfeit, with intent to defraud any body politic or corporate, or any other person or persons whatsoever, or has in his possession any such false, forged or counterfeited coin or bars, knowing the same to be false, forged or counterfeited, with intent to defraud any body politic or corporate, or any other person or persons whatsoever, shall be punished by a fine of not more than five thousand dollars, and by imprisonment at hard labor not more than ten years. [January 16, 1877.]

NOTE.—(1) This amendment has been incorporated into the second edition of the Revised Statutes in § 5457.

CHAP. 27.—An act making appropriations for the payment of invalid and other pensions of the United States for the year ending June thirtieth, eighteen hundred and seventy-eight. January 19, 1877.

Be it enacted, &c. * * In the annual report of Commissioner of Pensions; and hereafter he shall report the total annual amount paid for additions also reductions on the annual pension rolls: * * [January 19, 1877.] 19 Stat. L., 223. Commissioner of Pensions to report annual additions and reductions. R. S., §§ 470-474. 1890, Apr. 4, ch. 68, ante, p. 711.

CHAP. 41.—An act to amend sections five hundred and thirty-three, five hundred and fifty-six, five hundred and seventy-one, and five hundred and seventy-two of the Revised Statutes of the United States, relating to courts in Arkansas and other States. (1) January 31, 1877. 19 Stat. L., 230.

Be it enacted, &c., That section five hundred and thirty-three of the Revised Statutes be amended so as to read as follows: (1) Arkansas judicial districts. "SEC. 533. That the State of Arkansas is divided into two districts, which shall be called the eastern and western districts of Arkansas. Substitute for R. S., § 533. 1886, June 14, ch. 422, post, p. 497.

The western district includes the counties of Benton, Washington, Crawford, Sebastian, Scott, Polk, Sevier, Little River, Howard, Montgomery, Yell, Logan, Franklin, Johnson, Madison, Newton, Carroll, Boone and Marion, and the country lying west of Missouri and Arkansas, known as the (2) Indian Territory. — western. 1887, Feb. 17, ch. 139; Feb. 28, ch. 273; post, pp. 538, 546.

The eastern district includes the residue of said State." — eastern. That section five hundred and fifty-six be amended so as to read as follows: 5 Dill., 392.

"SEC. 556. In the eastern district of Arkansas, there shall be appointed two clerks of the district court thereof, one of whom shall reside and keep his office at Little Rock, and the other shall reside and keep his office at Helena." Clerks in eastern district. Substitute for R. S., § 556.

That section five hundred and seventy-two be so amended as to provide for the holding of the regular terms of court in the eastern and western districts of Arkansas, as follows: Terms of court in eastern district. R. S., § 572.

In the eastern district of Arkansas, at Little Rock, on the first Monday in April and October, and at Helena on the second Monday in March and October. 1890. March 7, ch. 28, post, p. 707.

In the western district of Arkansas, at Fort Smith on the first Monday in February, May, August, and November. * * — in western district.

[The omitted lines, substitute for R. S., § 571, repealed, 1889, Feb. 6, ch. 113, § 5, post, p. 639.] [January 31, 1877.] Substitute for R. S., § 571; both repealed.

NOTES.—(1) The amendments made by this act are incorporated into the second edition of the Revised Statutes in the sections referred to in the margin. (2) For existing jurisdiction of courts in the Indian Territory, see note to 1889, Mar. 3, ch. 383, post, p. 670.

CHAP. 58.—An act to provide for a deficiency in the appropriation for the public printing and binding for the current fiscal year, and for other purposes. February 16, 1877. 19 Stat. L., 231.

Be it enacted, &c., * * That from and after the close of the present session of Congress the public printer shall pay no greater price for composition than fifty cents per thousand ems and forty cents per hour for time work to printers and book-binders. [February 16, 1877.] Pay of printers and book-binders by Public Printer. R. S., § 3763. 1876, July 31, ch. 23, post, p. 391. 1891, March 3, ch. 550 and note, post, p. 934. 14 C. Cls., 200.

- Feb. 27, 1877. CHAP. 69.—An act to perfect the revision of the statutes of the United States (1) and of the statutes relating to the District of Columbia.
- 19 Stat. L., 240.
Revised Statutes of District of Columbia. *Be it enacted, &c.,* * * SEC. 2. That the following amendments be, and the same are hereby, made to the Revised Statutes relating to the District of Columbia, namely:
- Verbal error corrected. R. S. of D. C., § 192. Same. [Par. 1.] Section one hundred and ninety-two is amended by inserting after the word "the" in the second line, the word "Union".
- R. S. of D. C., § 195. Same. [Par. 2.] Section one hundred and ninety-five is amended by inserting after the word "ten" in the seventh line, the words "Revised Statutes of the United States".
- R. S. of D. C., § 309. Same. [Par. 3.] Section three hundred and nine is amended by striking out, in the third line, where it occurs the second time, the word "three" and inserting the word "six".
- R. S. of D. C., § 312. Same. [Par. 4.] Section three hundred and twelve is amended by striking out, in the fifth line, the word "three" and inserting the word "six".
- Police commissioner. R. S. of D. C., § 322. [Par. 5.] Section three hundred and twenty-two is amended by inserting, after the words "United States" in the second line, the words "by and with the advice and consent of the Senate".
- 1878, June 11, ch. 180, § 6, post, p. 78. Verbal error corrected. R. S. of D. C., § 445. [Par. 6.] Section four hundred and forty-five is amended by striking out, at the end of the section, the word "two" and inserting the word "three".
- Recorder of deeds, appointment. R. S. of D. C., § 467. [Par. 7.] Section four hundred and sixty-seven is amended by inserting, after the word "President" in the second line, the words "by and with the advice and consent of the Senate".
- Verbal error corrected. R. S. of D. C., § 476. [Par. 8.] Section four hundred and seventy-six is amended, by inserting after the word "section" in the first line, the words "four hundred and thirty-nine".
- Same. R. S. of D. C., § 717. [Par. 9.] Section seven hundred and seventeen is amended by inserting after the words "Revised Statutes" the words "of the United States".
- Supreme court in general term, when judges equally divided. R. S. of D. C., § 754. [Par. 10.] Section seven hundred and fifty-four is amended by adding at the end of the section, the words, "whenever at a general term, held by four justices, the court shall be equally divided, such divisions shall be noted on the minutes; and within four days, either party may file with the clerk a motion to have the cause re-argued before five justices; and such re-argument shall be as soon as conveniently may be."
- 1879, Feb. 25, ch. 99, § 1, post, p. 220. Jurisdiction of supreme court of District, R. S. of D. C., § 763. [Par. 11.] Section seven hundred and sixty-three is amended by striking out said section and inserting in lieu thereof the following as section seven hundred and sixty-three: "Said courts shall have cognizance of all crimes and offenses committed within said district and of all cases in law and equity between parties, both or either of which shall be resident or be found within said district and also of all actions or suits of a civil nature at common law or in equity, in which the United States shall be plaintiffs or complainants; and of all seizures on land or water, and all penalties and forfeitures made, arising or accruing under the laws of the United States; and any one of the justices may hold a criminal court for the trial of all crimes and offenses arising within the District."
- Verbal error corrected. R. S. of D. C., § 764. [Par. 12.] Section seven hundred and sixty-four is amended by inserting after the words "Revised Statutes" in the last line, the words "of the United States".

NOTE (1).—All the changes made by § 1 of this act have been incorporated into the second edition of the Revised Statutes in the proper places, and it is therefore here omitted. See 15 C. Cls. 50, 433.
Sec. 2 (here printed) is to correct errors in the Revised Statutes relating to the District of Columbia, of which no second edition has ever been published.

[Par. 13.] Section seven hundred and sixty-five is amended by inserting, after the words "Revised Statutes," in the third line, the words "of the United States".

[Par. 14.] Section seven hundred and eighty is amended by inserting after the words "Revised Statutes" in the fifth line, the words "of the United States".

[Par. 15.] Section eight hundred and eleven is amended by inserting, after the words "indebted to" in the second line, the words "the defendant in".

[Par. 16.] Section eight hundred and forty-one is amended by inserting, after the word "section" in the third line, the letter "s" so as to read "sections"; and inserting after the words "one hundred and four" in the third line, the words "one hundred and seven and one hundred and eight"; and adding at the end of the section, the words "and of bribery at elections."

[Par. 17.] Section eight hundred and forty-three is amended by inserting, after the words "Revised Statutes" in the eighth line the words "of the United States".

[Par. 18.] Section eight hundred and forty-seven is amended by striking out, in the last line, the words "in the following section", and inserting the words "otherwise by law."

[Par. 19.] Section eight hundred and seventy-three is amended by inserting, after the words "the circuit" in the second line, the words "and district" and by striking out, in the second line, commencing with the word "District", the remainder of the section, and inserting the words "of the United States, by the act of February twenty-sixth, eighteen hundred and fifty-three."

[Par. 20.] Section eight hundred and ninety-seven is amended by inserting, after the words "Revised Statutes" in the last line, the words "of the United States".

[Par. 21.] Section eleven hundred and ninety-three is amended by inserting, after the words "Revised Statutes" in the fourth line, the words "of the United States".

[Par. 22.] Section twelve hundred and eighty three is amended by striking out the word "eight" in the fourth line, and inserting the word "nine".

[Par. 23.] Section twelve hundred and eighty-eight is amended by inserting, after the words "Revised Statutes" in the second line, the words "of the United States". [February 27, 1877.]

R. S. of D. C., § 764.

R. S. of D. C., § 765.

Verbal error corrected.

R. S. of D. C., § 780.

Same.

R. S. of D. C., § 811.

Same.

R. S. of D. C., § 841.

Same.

R. S. of D. C., § 843.

Same.

R. S. of D. C., § 843.

Same.

R. S. of D. C., § 847.

Same.

R. S. of D. C., § 873.

Compensation of jurors.

R. S. of D. C., § 873.

Verbal error corrected.

R. S. of D. C., § 897.

Same.

R. S. of D. C., § 1193.

Same.

R. S. of D. C., § 1283.

Same.

R. S. of D. C., § 1288.

Same.

R. S. of D. C., § 1288.

CHAP. 73.—An act to allow a pension of thirty-six dollars per month to soldiers who have lost both an arm and a leg.

Feb. 28, 1877.

19 Stat. L., 264.

Be it enacted, &c., That all persons who, while in the military or naval service of the United States, and in the line of duty, shall have lost one hand and one foot, or been totally or permanently disabled in both, shall be entitled to a pension for each of such disabilities, and at such a rate as is provided for by the provisions of the existing laws for each disability:

Provided, That this act shall not be so construed as to reduce pensions in any case. [February 28, 1877.]

Pensions for loss of one hand and one foot, &c.

R. S., §§ 4697, 4698. 1878, June 17, ch. 261, *post*, p. 188.

1883, March 3, ch. 91, *post*, p. 399.

1886, Aug. 4, ch. 899, *post*, p. 511.

128 U. S., 42.

CHAP. 74.—An act for the relief of certain claimants under the donation land law of Oregon, approved September twenty-seventh, eighteen hundred and fifty.

Feb. 28, 1877.

19 Stat. L., 264.

Be it enacted, &c., That the claims of such persons who were duly qualified thereto, and made bona-fide settlements upon lands in the State of Oregon and Washington Territory, under the provisions of

Claims for settlements on lands in Oregon and in

Washington Territory, included in certain military reservations, made valid and patents to issue.

1850, ch. 76 (9 Stat. L., 496).
R. S., § 2593.

the act of Congress, approved September twenty-seventh, eighteen hundred and fifty, entitled "An act to create the office of surveyor-general of the public lands in Oregon, and to provide for the survey, and to make donations to settlers of the said public lands," and the legislation supplemental thereto, which have been included, in whole or in part, within the limits of any reservation made by the United States for military purposes subsequent to the date of such settlement and prior to the completion of the period of residence and cultivation required by said act, which reservation has been, or may hereafter be, declared abandoned by the Secretary of War as no longer necessary to the United States for military or other purposes, shall be adjudicated and patented the same as other donation claims arising under said act and supplemental legislation, as though such reservation had never been made:

Provided however, That no claim of any settler coming within the purview of this act shall be validated or confirmed the value of whose improvements, at the time such reservation was made by the United States, has been ascertained and paid for by the Secretary of War, as required by the aforesaid act of September twenty-seventh, eighteen hundred and fifty, and the legislation supplemental thereto. [February 28, 1877.]

March 1, 1877.

CHAP. 81.—An act relating to indemnity school selections in the State of California.

19 Stat. L., 267.
Indemnity school lands confirmed to California.

R. S., § 2485.
116 U. S., 385.
120 U. S., 371.

Be it enacted, &c., That the title to the lands certified to the State of California, known as indemnity school selections, which lands were selected in lieu of sixteenth and thirty-sixth sections, lying within Mexican grants, of which grants the final survey had not been made at the date of such selection by said State, is hereby confirmed to said State in lieu of the sixteenth and thirty-sixth sections, for which the selections were made.

—where selections fail for certain reasons.

SEC. 2. That where indemnity school selections have been made and certified to said State, and said selection shall fail by reason of the land in lieu of which they were taken not being included within such final survey of a Mexican grant, or are otherwise defective or invalid, the same are hereby confirmed, and the sixteenth or thirty-sixth section in lieu of which the selection was made shall, upon being excluded from such final survey, be disposed of as other public lands of the United States;

Innocent purchasers of land certified for school sections protected.

1891, Feb. 28, ch. 384, post, p. 598.
16 Opins., 69.

Provided, That if there be no such sixteenth or thirty-sixth section, and the land certified therefor shall be held by an innocent purchaser for a valuable consideration, such purchaser shall be allowed to prove such facts before the proper land-office, and shall be allowed to purchase the same at one dollar and twenty-five cents per acre, not to exceed three hundred and twenty acres for any one person:

Provided, That if such person shall neglect or refuse, after knowledge of such facts, to furnish such proof and make payment for such land, it shall be subject to the general land-laws of the United States.

Confirmation not to extend to claims of actual settlers.

SEC. 3. That the foregoing confirmation shall not extend to the lands settled upon by any actual settler claiming the right to enter not exceeding the prescribed legal quantity under the homestead or pre-emption laws:

Provided, That such settlement was made in good faith upon lands not occupied by the settlement or improvement of any other person, and prior to the date of certification of said lands to the State of California by the Department of the Interior:

And provided further, That the claim of such settler shall be presented to the register and receiver of the district land-office, together with the proper proof of his settlement and residence, within twelve months after the passage of this act, under such rules and regula-

tions as may be established by the Commissioner of the General Land Office.

SEC 4. That this act shall not apply to any mineral lands, nor to any lands in the city and county of San Francisco, nor to any incorporated city or town, nor to any tide, swamp, or overflowed lands. [March 1, 1877.]

Act not to apply to mineral lands nor lands in San Francisco.

CHAP. 82.—An act to provide for the preparation and publication of a new edition of the Revised Statutes of the United States. (1)

March 2, 1877.

19 Stat. L., 263.

Be it enacted, &c., That the President of the United States be, and he is hereby, authorized to appoint, by and with the advice and consent of the Senate, one person, learned in the law, as a commissioner, for the purpose of preparing and publishing a new edition of the first volume of the Revised Statutes of the United States.

Commissioner to prepare new edition of Revised Statutes.

SEC. 2. That in performing this duty, said commissioner shall be required to incorporate into the text of the Revised Statutes as published in the year anno Domini eighteen hundred and seventy five, under the act of June twentieth, eighteen hundred and seventy four, all the amendments which have been made in the revision so published since the first day of December, eighteen hundred and seventy-three, and all that shall be made up to the close of the present session of Congress, with marginal references to such amendatory acts, and to all the decisions of the several courts of the United States, (as far as the same may have been published,) which may have been made subsequent to those already cited in the margin of the present revision, and may include also citations to such judicial decisions of the various State courts as he may deem important;

—to incorporate amendments, &c. 17 Blatch., 363. 15 C. Cls., 80, 453.

And he shall also make marginal references to the various statutes passed by Congress since the first day of December, eighteen hundred and seventy-three, not expressly therein declared to be amendments to the Revised Statutes, but which, in the opinion of said commissioner, may in any manner affect or modify any of the provisions of the said Revised Statutes, or any of the amendments thereto, indicating in such marginal notes by a difference in type the references to statutes of this kind, and he shall revise the indexes and incorporate therein references to the additions herein required.

—make marginal references.

SEC. 3. That there shall also be included in said edition the Articles of Confederation, the Declaration of our National Independence, the Ordinance of seventeen hundred and eighty seven for the government of the Northwestern Territory, the Constitution of the United States, with foot notes referring to decisions of the Federal courts thereon, the "Act to provide for the revision and consolidation of the statute laws of the United States," approved June twenty-seventh, eighteen hundred and sixty-six, and the "Act providing for publication of the Revised Statutes and the laws of the United States," approved June twentieth, eighteen hundred and seventy-four, as well as the present act.

Other matter to be included.

NOTE.—(1) By 1866, June 27, ch. 140 (14 Stat. L., 74), the President was authorized to appoint three commissioners to revise the statutes of the United States, who were allowed three years for the work. Not being then concluded, the act of 1870, May 4, ch. 73 (16 Stat. L., 96), revived the act of 1866, and provided that the commissioners should receive no pay for their work for longer than three years. By 1873, March 3, ch. 241 (17 Stat. L., 579), a joint committee of Congress was authorized to accept the draft of the revision prepared, the acceptance not to be construed as an approval or adoption by Congress. The committee was also authorized to secure the preparation of the revision in the form of a bill, and to have it indexed. The revision in the present form of the Revised Statutes was approved June 22, 1874, but by R. S., § 5601, took effect as if bearing date December 1, 1873. The repeal provisions are found in R. S., §§ 5595-5601. By 1874, June 20, ch. 333, *ante*, p. 20, provision was made for publishing and distributing the Revised Statutes.

Under authority of the act of 1877, the "Second Edition of the Revised Statutes," was prepared and published, with a new index (act of 1878, April 19, ch. 61, 20 Stat. L., 36). By the act of 1878, March 9, ch. 26 (*post*, p. 153), it was made legal evidence of the laws therein contained, without precluding reference to the originals in case of discrepancy. For a full statement of the effect of the Revised Statutes and the Second Edition, and the difference between them, see 14 C. Cls., 162; 15 C. Cls., 85; 100 U. S., 508.

As to the interpretation of R. S., § 5606, see letter of Chief Justice Waite, printed in vol. 4, of First Comptroller Lawrence's decisions, p. 101.

When completed and certified, to be legal evidence.
1878, March 9, ch. 26, *post*, p. 153.
15 C. Cls., 80.

SEC. 4. That said new edition shall be completed in manuscript by said commissioner by the first day of January anno Domini eighteen hundred and seventy-eight, and by him presented to the Secretary of State for his examination and approval, who is hereby required to examine and compare the same as amended, with all the amendatory acts, and, within two months after having been submitted to him, and when the same shall be completed, the said Secretary shall duly certify the same under the seal of the Secretary of State, and when printed and promulgated as herein provided the printed volume shall be legal [*and conclusive*] evidence of the laws [*and treaties*] therein contained, in all the courts of the United States, and of the several States and Territories, [but shall not preclude reference to, nor control, in case of any discrepancy, the effect of any original act as passed by Congress since the first day of December, eighteen hundred and seventy three;] (2)

Number to be printed.
1878, May 22, Res. No. 22, *post*, p. 204.

And said Secretary shall cause fifteen thousand copies of the same to be printed and bound at the Government Printing Office, under the supervision of said commissioner, at the expense of the United States, and without unnecessary delay.

Compensation of commissioner.

SEC. 5. That said commissioner shall receive, as full compensation for all services above required to be performed by him, the sum of five thousand dollars. [*March 2, 1877.*]

NOTE.—(2) This section is here printed as amended by the act of 1878, March 9, ch. 26, *post*, p. 153, the words in brackets in italics being stricken out and those in roman inserted.

March 3, 1877.

19 Stat. L., 270.

CHAP. 100.—An act to repeal the statute forbidding appointments and promotions in the staff of the Army.

Promotions may be made in staff corps of Army.
Repeal of.
R. S., § 1194.

Be it enacted, &c., That section eleven hundred and ninety-four of the Revised Statutes, now applying only to grades in the Pay Department of the Army above the rank of major, is hereby repealed. [*March 3, 1877.*]

March 3, 1877.

19 Stat. L., 291.

CHAP. 101.—An act making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty-stipulations with various Indian tribes, for the year ending June thirtieth, eighteen hundred and seventy-eight, and for other purposes.

Wagon transportation may be performed by Indian labor, and storehouses hired by Commissioner.

Be it enacted, &c. * * And whenever practicable wagon transportation may be performed by Indian labor; and whenever it is so performed the Commissioner of Indian Affairs is hereby authorized to hire a storehouse at any railroad whenever necessary, and to employ a storekeeper therefor, and to furnish in advance the Indians who will do the transportation with wagons and harness, all the expenses incurred under this provision, to be paid out of this appropriation:

—contracts to be advertised for, &c.
R. S., § 2063.

Provided, That hereafter contracts involving an expenditure of more than two thousand dollars shall be advertised and let to the lowest responsible bidder. * * [*March 3, 1877.*]

March 3, 1877.

19 Stat. L., 294.

CHAP. 102.—An act making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June thirtieth eighteen hundred and seventy eight and for other purposes.

Architect of Capitol to have charge of Capitol building.

1876, Aug. 15, ch. 267, par. 4, *ante*, p. 119; 1877, Mar. 3, ch. 105, par. 3, *post*, p. 136, 1881, Mar. 3, ch. 130, par. 1, *post*, p. 320; 1888, July 11, ch. 615, par. 1, *post*, p. 597.

Be it enacted, &c. * * [*Par. 1.*] The Architect of the Capitol shall hereafter have the care and superintendence of the Capitol, including lighting, and shall submit through the Secretary of the Interior annually estimates thereof. * *

[Par. 2.] From and after the thirtieth day of June next there shall be no more than one hundred and twenty-six collection districts; and it shall be the duty of the President, and he is hereby authorized and directed, to reduce the internal-revenue districts to not exceeding the number aforesaid, in the manner heretofore provided by law. * *

Internal-revenue districts reduced to 126.

R. S., § 3141.

[Par. 3.] And hereafter a detailed statement of the expenditure for the preceding fiscal year of all sums appropriated for contingent expenses of the Independent Treasury, or in any department or bureau of the Government shall be presented to Congress at the beginning of each regular session. * *

Contingent expenses to be annually reported.

R. S., § 193.

[Par. 4.] That hereafter the records of the regimental, garrison, and field officers and courts-martial shall, after having been acted upon, be retained and filed in the Judge Advocate's office at the Headquarters of the Department Commander in whose department the courts were held for two years, at the end of which time they may be destroyed. * *

Records of regimental, &c., courts-martial, where to be filed, and when may be destroyed.

R. S., § 1342, art. 113.

[Par. 5.] (1) That public lands situated in States in which there are no land offices may be entered at the General Land Office, subject to the provisions of law touching the entry of public lands; and that the necessary proofs and affidavits required in such cases may be made before some officer competent to administer oaths, whose official character shall be duly certified by the clerk of a court of record;

Public lands in States where no land-offices; entry where and how made.

And moneys received by the Commissioner of the General Land Office for lands entered by cash entry shall be covered into the Treasury. * * [March 3, 1877.]

Money for cash entries to be covered into Treasury.

NOTE.—(1) This paragraph is repeated in act of 1873, ch. 329, § 2 (30 Stat. L., 201.)

CHAP. 103.—An act establishing post-roads and for other purposes.

March 3, 1877.

Be it enacted, &c. * * SEC. 2. That from and after the passage of this act the bonds of all postmasters may by the direction of the Postmaster General be approved and accepted, and the approval and acceptance signed by the First Assistant Postmaster General in the name of the Postmaster General;

19 Stat. L., 335.

First Assistant P. M. General may approve postmasters' bonds.

R. S., § 3834.

17 C. Cls., 92.

And all contracts for stationery, wrapping-paper, letter-balances, scales, and street letter-boxes, for the use of the postal service may be signed in like manner by the First Assistant Postmaster General in the place and stead of the Postmaster General, and his signature shall be attested by the seal of the Post-Office Department.

—may sign contracts for stationery, &c.

R. S., § 396.

SEC. 3. That the Second Assistant Postmaster General on the order of the Postmaster General may sign with his name, in the place and stead of the Postmaster General, and attest his signature by the seal of the Post-Office Department, all contracts made in the said Department for mail transportation and for supplies of mail-bags, mail-catchers, mail-locks, and keys and all other articles necessary and incidental to mail-transportation.

Second Assistant may sign contracts for mail transportation, &c.

R. S., § 389.

95 U. S., 356.

SEC. 4. That the Third Assistant Postmaster General, when directed by the Postmaster General, may also sign, in his name, in the place and stead of the Postmaster General, and attest his signature by the seal of the Post Office Department, all contracts for supplies of postage-stamps, stamped envelopes, newspaper-wrappers, postal-cards, registered-package envelopes, locks, seals, and official envelopes for the use of postmasters, and return of dead letters, that may be required for the postal service.

Third Assistant may sign contracts for postage stamps, &c.

R. S., §§ 389, 3914.

1891, Mar. 3, ch. 547, par. 1, post, p. 992.

SEC. 5. That it shall be lawful to transmit through the mail, free of postage, any letters, packages, or other matters relating exclusively to the business of the Government of the United States:

Letters, packages, &c., on public business may be sent free.

Provided, That every such letter or package to entitle it to pass

R. S., §§ 3896-3913. 1884, July 5, ch. 234, § 3, *post*, p. 467; 1891, Mar. 3, ch. 547, § 3, *post*, p. 932. 16 Opins., 455.

Penalty for using official envelopes for private business.

Official envelopes to be provided.

R. S., 3915. 1884, July 5, ch. 234, § 3, *post*, p. 467.

Members of Congress, Secretary of Senate, and Clerk of House may send by mail public documents free.

R. S., §§ 3896-3913.

1877, Dec. 15, ch. 3, *post*, p. 150; 1879, March 3, ch. 180, par. 1, *post*, p. 245. 16 Opins., 271.

free shall bear over the words "Official business" an endorsement showing also the name of the Department, and, if from a bureau or office, the names of the Department and bureau or office, as the case may be, whence transmitted.

And if any person shall make use of any such official envelope to avoid the payment of postage on his private letter, package, or other matter in the mail, the person so offending shall be deemed guilty of a misdemeanor, and subject to a fine of three hundred dollars, to be prosecuted in any court of competent jurisdiction.

SEC. 6. That for the purpose of carrying this act into effect, it shall be the duty of each of the Executive Departments of the United States to provide for itself and its subordinate offices the necessary envelopes: and in addition to the endorsement designating the Department in which they are to be used, the penalty for the unlawful use of these envelopes shall be stated thereon.

SEC. 7. That Senators, Representatives, and Delegates in Congress, the Secretary of the Senate, and Clerk of the House of Representatives, may send and receive through the mail, all public documents printed by order of Congress: and the name of each Senator, Representative, Delegate, Secretary of the Senate, and Clerk of the House shall be written thereon, with the proper designation of the office he holds: and the provisions of this section shall apply to each of the persons named therein until the first day of December following the expiration of their respective terms of office. * * [March 3, 1877.]

March 3, 1877.

19 Stat. L., 344.

CHAP. 105.—An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and seventy eight, and for other purposes.

Cost of printing records in Supreme Court and Court of Claims to be paid by parties, &c.

R. S., §§ 677, 1053. 96 U. S., 594.

Indigent insane from Dist. Col. how admitted to hospital.

R. S., §§ 4838-4858.

1879, March 3, ch. 182, par. 12, *post*, p. 252.

Architect of Capitol to have direction of ventilation and heating House.

R. S., § 1816. 1876, August 15, ch. 287, par. 4, *ante*, p. 119; 1877, March 3, ch. 102, par. 1, *ante*, p. 134; 1881, March 3, ch. 130, par. 1, *post*, p. 320. 1888, July 11, ch. 615, par. 1, *post*, p. 597.

Notes and securities may be engraved at Treasury Department.

R. S., § 3577. 1875, March 3, ch. 130, par. 4, *ante*, p. 78.

Be it enacted, &c. * * [Par. 1.] There shall be taxed against the losing party in each and every cause pending in the Supreme Court of the United States or in the Court of Claims of the United States, the cost of printing the record in such case, which shall be collected, except when the judgment is against the United States, by the clerks of said courts respectively, and paid into the Treasury of the United States; but this shall only apply to records printed after the first of October next. * *

[Par. 2.] Government Hospital for the Insane. * * Indigent persons who may be hereafter admitted from the District of Columbia, * * *Provided*, That hereafter such indigent persons shall be admitted only upon order of the executive authority of the said District. * *

[Par. 3.] Hereafter the subject of ventilation and heating the House of Representatives be placed under the direction of the Architect of the Capitol. * *

[Par. 4.] For labor and expenses of engraving and printing, namely: For * * engraving and printing notes, bonds, and other securities of the United States * * : *Provided*. (1) The work be performed at the Treasury Department, *And provided further*, That it can be done as cheaply, as perfectly, and as safely and all contracts already made shall be faithfully carried out. * * [March 3, 1877.]

NOTE.—(1) See note to act cited in the margin.

CHAP. 106.—An act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June thirtieth, eighteen hundred and seventy-seven, and prior years, and for other purposes.

March 3, 1877.

19 Stat. L., 370.

Be it enacted, &c., * * (1) Hereafter no contract shall be made for the rent of any building, or part of any building, to be used for the purposes of the Government in the District of Columbia, until an appropriation therefor shall have been made in terms by Congress, and that this clause be regarded as notice to all contractors or lessors of any such building or any part of building. * * * [March 3, 1877.]

Contracts for rent in D. C. not to be made till appropriated for.

R. S., § 3679.

1882, Aug. 5, ch. 389, par. 6; 1883, March 3, ch. 128, par. 2, *post*, pp. 273, 409. 15 Opins., 274. 26 C. Cls., *Semmes's Case*.

NOTE.—(1) For exceptions as to Washington City post-office and branches, see 1886, March 26, ch. 43 (25 Stat. L., 46), and 1890, June 30, ch. 641 (26 Stat. L., 207), both omitted from this volume as of local application only

CHAP. 107.—An act to provide for the sale of desert lands in certain States and Territories. (1)

March 3, 1877.

19 Stat. L., 377.

Be it enacted, &c., That it shall be lawful for any citizen of the United States, or any person of requisite age "who may be entitled to become a citizen, and who has filed his declaration to become such" and upon payment of twenty five cents per acre—to file a declaration under oath with the register and the receiver of the land district in which any desert land is situated, that he intends to reclaim a tract of desert land not exceeding one section, by conducting water upon the same, within the period of three years thereafter,

Citizens may reclaim and purchase any desert lands.

R. S., §§ 2353-2379.

1890, Aug. 30, ch. 837, par. 3, *post*, p. 791.

Provided however that the right to the use of water by the person so conducting the same, on or to any tract of desert land of six hundred and forty acres shall depend upon bona fide prior appropriation: and such right shall not exceed the amount of water actually appropriated, and necessarily used for the purpose of irrigation and reclamation: and all surplus water over and above such actual appropriation and use, together with the water of all, lakes, rivers and other sources of water supply upon the public lands and not navigable, shall remain and be held free for the appropriation and use of the public for irrigation, mining and manufacturing purposes subject to existing rights.

—right to use water therefor.

Said declaration shall describe particularly said section of land if surveyed, and, if unsurveyed, shall describe the same as nearly as possible without a survey.

Contents of declaration.

At any time within the period of three years after filing said declaration, upon making satisfactory proof to the register and receiver of the reclamation of said tract of land in the manner aforesaid, and upon the payment to the receiver of the additional sum of one dollar per acre for a tract of land not exceeding six hundred and forty acres to any one person, a patent for the same shall be issued to him.

Patent; when to issue.

Provided, that no person shall be permitted to enter more than one tract of land and not to exceed six hundred and forty acres which shall be in compact form.

Limit to quantity of land purchasable.

SEC. 2. That all lands exclusive of timber lands and mineral lands which will not, without irrigation, produce some agricultural crop, shall be deemed desert lands, within the meaning of this act, which fact shall be ascertained by proof of two or more credible witnesses under oath, whose affidavits shall be filed in the land office in which said tract of land may be situated—

Desert lands defined.

SEC. 3. That this act shall only apply to and take effect in the States of California, Oregon and Nevada, and the Territories of Washington, Idaho, Montana, Utah, Wyoming, Arizona, New Mexico and Dakota, and the determination of what may be considered desert land shall be subject to the decision and regulation of the Commissioner of the General Land Office. [March 3, 1877.]

Act to apply only in certain States, &c., and Commissioner to determine what are desert lands.

NOTE.—(1) For § 4-8 added to this act, see 1891, March 3, ch. 561, § 2, *post*, pp. 940, 941

- March 3, 1877. **CHAP. 109.**—An act making appropriations for the support of the Military Academy for the fiscal year ending June thirtieth, eighteen hundred and seventy-eight, and for other purposes.
- 19 Stat. L., 380.
- Be it enacted, &c.* * * *
- Band; of what to consist. R. S., §§ 1111, 1278.
- SEC. 2. (1) That the Military Academy band shall consist of one teacher of music, who shall be leader of the band, for the fiscal year ending June thirtieth, eighteen hundred and seventy-eight, and may be a civilian, and of twenty-four enlisted musicians of the band.
- pay of. R. S., §§ 1111, 1278.
- SEC. 3. That the teacher of music shall receive ninety dollars per month, one ration, and the allowance of fuel of a second lieutenant of the Army;
- And that of the enlisted musicians of the band six shall each be paid thirty-four dollars per month;
- Six shall each be paid twenty dollars per month;
- And the remaining twelve shall each be paid seventeen dollars per month;
- And that the enlisted musicians of the band shall have the benefits as to pay arising from re-enlistments and length of service applicable to other enlisted men of the Army. [March 3, 1877.]
- NOTE.—(1) For a number of years past, the annual appropriation acts have appropriated a fixed sum for the band with the provision that it shall be in full for the pay of the band for the year, "any law to the contrary notwithstanding." See 25 Stat. L., 108, 662; 26 Stat. L., 164, 816.

- March 3, 1877. **CHAP. 111.**—An act making appropriations for the naval service for the year ending June thirtieth, eighteen hundred and seventy-eight, and for other purposes.
- 19 Stat. L., 385.
- Naval cadet's pay at sea. R. S., § 1556. 116 U.S., 479.
- Be it enacted, &c.* * * * That (1) cadet-midshipmen, during such period of their course of instruction as they shall be at sea in other than practice ships, shall each receive as annual pay not exceeding nine hundred and fifty dollars. * * * [March 3, 1877.]
- NOTE.—(1) Title changed to "naval cadets" by 1892, Aug. 5, ch. 391, par. 1, post, p. 376.

- March 3, 1877. **CHAP. 113.**—An act respecting the limits of reservations for town-sites upon the public domain.
- 19 Stat. L., 392.
- Quantity of land excluded from pre-emption for town-site. R. S., §§ 2380-2394.
- Be it enacted, &c.*, That the existence or incorporation of any town upon the public lands of the United States shall not be held to exclude from pre-emption or homestead entry a greater quantity than twenty-five hundred and sixty acres of land, or the maximum area which may be entered as a town-site under existing laws, unless the entire tract claimed or incorporated as such town-site shall, including and in excess of the area above specified, be actually settled upon, inhabited, improved, and used for business and municipal purposes.
- SEC. 2. [Relates to entries already made.]
- SEC. 3. That whenever the corporate limits of any town upon the public domain are shown or alleged to include lands in excess of the maximum area specified in section one of this act, the Commissioner of the General Land Office may require the authorities of such town, and it shall be lawful for them, to elect what portion of said lands, in compact form and embracing the actual site of the municipal occupation and improvement, shall be withheld from pre-emption and homestead entry; and thereafter the residue of such lands shall be open to disposal under the homestead and (1) pre-emption laws.
- And upon default of said town authorities to make such selection within sixty days after notification by the Commissioner, he may direct testimony respecting the actual location and extent of said improvements, to be taken by the register and receiver of the district in which such town may be situated; and, upon receipt of the same, he may determine and set off the proper site according to section one of this act, and declare the remaining lands open to settlement and entry under the homestead and pre-emption laws;
- NOTE.—(1) Pre-emption laws repealed by 1901, March 3, ch. 561, § 4, post, p. 942.

Where town-site exceeds maximum; proceedings to be had.

And it shall be the duty of the secretary of each of the Territories of the United States to furnish the surveyor-general of the Territory for the use of the United States a copy duly certified of every act of the legislature of the Territory incorporating any city or town, the same to be forwarded by such secretary to the surveyor-general within one month from date of its approval.

SEC. 4. It shall be lawful for any town which has made, or may hereafter make entry of less than the maximum quantity of land named in section twenty-three hundred and eighty-nine of the Revised Statutes to make such additional entry, or entries, of contiguous tracts, which may be occupied for town purposes as when added to the entry or entries therefore made will not exceed twenty-five hundred and sixty acres:

Provided, That such additional entry shall not together with all prior entries be in excess of the area to which the town may be entitled at date of the additional entry by virtue of its population as prescribed in said section twenty-three hundred and eighty-nine. [March 3, 1877.]

Copies of acts incorporating towns to be furnished by secretaries of Territories.

Towns with less than maximum may make additional entries.
R. S., § 2389.
1890, Sept. 30, ch. 1121, *post*, p. 810.

CHAP. 114.—An act relating to the production of fruit-brandy, and to punish frauds connected with the same.

March 3, 1877.
19 Stat. L., 393.

Be it enacted, &c., That the Commissioner of Internal Revenue shall be, and hereby is, authorized in his discretion, and upon the execution of such bonds as he may prescribe, to establish warehouses, to be known as special bonded warehouses, not exceeding ten in numbers in any one collection-district, exclusively for the storage of brandy made from grapes, each of which warehouses shall be in the charge of a storekeeper, to be appointed, assigned, transferred, and paid in the same manner that storekeepers for distillery-warehouses are now appointed, assigned, transferred, and paid.

Bonded warehouses for grape-brandy may be established.

R. S., §§ 3255, 3271.
1888, Oct. 18, ch. 1194, *post*, p. 632,
1890, Oct. 1, ch. 1244, §§ 42-46, *post*, pp. 866, 867.

Every such warehouse shall be under the control of the collector of internal revenue of the district in which such warehouse is located, and shall be in the joint custody of the storekeeper and the proprietor thereof and kept securely locked, and shall at no time be unlocked or opened or remain open except in the presence of such storekeeper or other person who may be designated to act for him, as provided in the case of distillery-warehouses.

Bonded warehouses; control and custody of.

And such warehouses shall be under such further regulations as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may prescribe.

—regulations as to.

SEC. 2. That every distiller of brandy from grapes, upon rendering his monthly return of materials used and spirits produced by him, shall immediately pay the tax upon such spirits, or may, after they have been properly gauged, marked, and branded, under regulations to be prescribed by the Commissioner of Internal Revenue and approved by the Secretary of the Treasury, and also stamped as hereinafter provided, cause them to be removed in bond from the place of manufacture to a special bonded warehouse, under such regulations, and after making such entries, and executing and filing with the collector of the district in which such spirits were manufactured 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 [by the] Secretary of the Treasury.

Tax to be paid on monthly return, and brandy to be removed to warehouse, &c.

1879, March 1, ch. 125, § 6, *post*, p. 235.

SEC. 3. That all brandy intended for deposit in a special bonded warehouse, before being removed from the distillery, shall have affixed to each package an engraved stamp indicative of such intention, to be provided and furnished to the several collectors as in the case of other stamps, and to be charged to them and accounted for in the

Special stamp to be affixed before brandy removed from warehouse.

same manner; and for the expense attending, providing, and affixing such stamps ten cents for each stamp shall be paid the collector on making the entry for such transportation. (1)

Conditions of deposit in warehouse.

SEC 4. That any brandy made from grapes removed in bond according to law may, upon its arrival at a special bonded warehouse, be deposited therein upon making such entries, filing such bonds and other securities, and under such regulations as shall be prescribed by the Commissioner of Internal Revenue with the approval of the Secretary of the Treasury.

Stipulations in the bond.

It shall be one of the conditions of the warehousing-bond covering such spirits that the principal named in said bond shall pay the tax on the spirits as specified in the entry, or cause the same to be paid within three years from the date of the original gauging of the same, and before withdrawal, except as hereinafter provided

Withdrawal from warehouse for transfer or export.

R. S., §§ 3329, 3330.

1874, June 9, ch. 259, *ante*, p. 12.

1879, March 1, ch. 125, § 10, *post*, p. 236.

1860, May 28, ch. 108, §§ 10, 11, *post*, p. 287.

1879, Dec. 20, ch. 1, *post*, p. 275.

SEC 5. That any brandy made from grapes may be withdrawn once and no more from one special bonded warehouse for transportation to another special bonded warehouse; and such brandy shall, on its arrival at the second special bonded warehouse, be immediately entered therein, from which warehouse it shall be withdrawn only on payment of the tax or for immediate exportation. (2)

In case the brandy withdrawn is intended for deposit in another special bonded warehouse, an additional stamp, indicative of such intention, shall be affixed to each package withdrawn, as in the case of brandy withdrawn from a distillery intended to be so deposited.

And in case the brandy is intended for exportation, an engraved stamp indicative of such intention, shall be affixed to each package so removed, as in the case of spirits withdrawn from a distillery bonded warehouse for exportation, under the provisions of section thirty-three hundred and thirty, Revised Statutes: all the provisions of which section not inconsistent with this act are hereby made applicable to such withdrawals.

And all withdrawals authorized by law of grape-brandy from any special bonded warehouse shall be upon making such withdrawal entries, and under such regulations, and unless the withdrawal is upon payment of tax, upon the execution of such bonds and bills of lading as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may prescribe.

Export bonds given under the provisions of this act shall be canceled upon the production of such certificates of landing as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may prescribe, or upon proof of loss at sea satisfactory to the Commissioner of Internal Revenue.

And the provisions of existing law relative to an allowance of loss by casual[i]ty in a distillery bonded warehouse are hereby made applicable to brandy stored in special bonded warehouses, in accordance with the provisions of this act.

Provisions of law applicable to exportation of grape-brandy.

R. S., § 3330.

SEC 6. That the provisions of existing law in regard to the exportation of distilled spirits are hereby extended so as to permit the exportation from special bonded warehouses of grape brandy free of tax in any original cask containing not less than twenty gallons, and for the exportation of grape brandy upon which all taxes have been paid, with the privilege of drawback in quantities of not less than one hundred gallons, and in the distillers' original cask, containing not less than twenty nine gallons each.

Warehouses may be discontinued.

SEC 7. That whenever, in the opinion of the Commissioner of Internal Revenue, any special bonded warehouse is unsafe or unfit for use, or the merchandize therein is liable to loss or great wastage, he may discontinue such warehouse, and require the merchandize therein to be transferred to such other warehouse as he may designate, and within such time as he may prescribe;

NOTES.—(1) This charge for stamps is held to be superseded by 1880, May 28, ch. 106, § 6, *post*, p. 236. (2) Amount of tax fixed by 1875, March 3, ch. 127, and ch. 130, § 12, *ante*, pp. 70, 73, amending R. S., § 3309. Withdrawal for export regulated by the sections of the Revised Statutes and the acts noted in the margin.

And all the provisions of section thirty two hundred and seventy two of the Revised Statutes of the United States, relating to transfers of spirits from warehouses, including those imposing penalties, are hereby made applicable to transfers from special bonded warehouses.

Warehouses; transfer of spirits in case of discontinuance.

R. S., § 3273.

SEC. 8. That the tax upon any brandy distilled from grapes, removed from the place where it was distilled, and in respect of which any requirement of this act is not complied with, 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.

Grape-brandy removed without compliance with act; tax, how assessed and collected.

But this provision shall not exclude any other remedy or proceeding provided by law.

SEC. 9. That nothing in this act shall be construed as extending the time in which the tax on brandy made from grapes shall be paid beyond three years from the day on which the taxable quantity is ascertained by the gauger;

Payment of tax not extended beyond three years.

R. S., § 3330.

And all brandy made from grapes, found elsewhere than in a distillery or special bonded warehouse, not having been removed therefrom according to law, and all brandy on which the tax has not been paid within three years of the date of the original gauging shall be forfeited to the United States.

SEC. 10. That the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may make all needful rules and regulations for carrying into effect the provisions of this act, and such regulations when made shall have all the force and effect of law.

Rules and regulations under this act.

SEC. 11. That in case any grape brandy removed from the distillery for deposit in a special warehouse, shall fail to be deposited in such warehouse within ten days thereafter, or within the time specified in any bond given on such removal, or if any grape-brandy deposited in any special warehouse shall be taken therefrom for deposit in another warehouse, or for export, or otherwise, without full compliance with the provisions of this act, and with the requirements of any regulations made thereunder, and with the terms of any bond given on such removal, then any person who shall be guilty of such failure, and any person who shall in any manner violate any provisions of this act, or of the regulations made in pursuance thereof, shall be subject, on conviction to a fine of not less than one hundred dollars nor more than five thousand dollars, and to imprisonment for not less than three months nor more than three years, for every such failure or violation; and the spirits as to which such failure or violation shall take place shall be forfeited to the United States. [March 3, 1877.]

Penalties for failure to comply with provisions of this act.

CHAP. 116.—An act granting to the State of Missouri all lands therein selected as swamp and overflowed lands (1.)

March 3, 1877.

19 Stat. L., 395.

Be it enacted, &c., That all lands in the State of Missouri selected as swamp and overflowed lands, and regularly reported as such to the General Land Office, and now withheld from market as such, so far as the same remain vacant and unappropriated and not interfered with by any preemption, homestead, or other claim under any law of the United States, and the claim whereto has not been heretofore rejected by the Commissioner of the General Land Office, or other competent authority, be, and the same are hereby, confirmed to said State, and all title thereto vested in said State;

Swamp and overflowed lands in Missouri granted to State.

R. S., § 2479.

1875, Feb. 23, ch. 99, ante, p. 67.

And it is hereby made the duty of the Secretary of the Interior to cause patents to issue for the same. [March 3, 1877.]

NOTE.—(1) See note (1) to 1874, June 22, ch. 422, ante, p. 40, giving land laws applying specially to Missouri.

March 3, 1877.

19 Stat. L., 396.

Tax on agricultural lands.

R. S. of D. C., § 149.

1878, June 11, ch. 180, § 3, *post*, p. 175.

— on other real and personal property.

CHAP. 117.—An act for the support of the government of the District of Columbia for the fiscal year ending June thirtieth, eighteen hundred and seventy-eight [1], and for other purposes.

Be it enacted, &c., That for the support of the government of the District of Columbia for the fiscal year ending June thirtieth, eighteen hundred and seventy-eight, there shall be levied upon all lands outside of the cities of Washington and Georgetown held and used solely for agricultural purposes a tax of (2) one dollar and twenty-five cents on each hundred dollars of the assessed value thereof, and upon all other real and personal property in said District, excepting only the real and personal property of the United States and that hereinafter stated, a tax of one dollar and fifty cents on each one hundred dollars of the assessed value thereof

SEC. 2. [*Superseded by 1878, June 11, ch. 180, § 3, post, p. 175.*]

SEC. 3. [*For substitute see 1878, April 3, ch. 48, § 3, post, p. 156.*]

Penalty for delinquency.

SEC. 4. That if one-half of the tax herein levied upon the real and personal property taxed by this act shall not be paid before the first day of December, eighteen hundred and seventy-seven, said installment shall thereupon be in arrears and delinquent; and there shall then be added, to be collected with such taxes, a penalty of two per centum upon the amount thereof, and a like penalty on the first day of each succeeding month until payment of said installment and penalty. And if said installment shall not be paid before the first day of June, eighteen hundred and seventy-eight, together with the one-half of said original tax due before said first day of June, a like penalty shall then be added on said last one-half of such tax; and the whole together shall constitute the delinquent tax, to be dealt with and collected in the manner prescribed by this act.

Advertisement and sale of land for taxes in arrears.

R. S. of D. C., §§ 153-188.

1879, Feb. 6, ch. 50, *ante*, p. 216.

1890, Mar. 19, ch. 40, *post*, p. 709.

SEC. 5. That it shall be the duty of the collector of taxes in said District to prepare a complete list of all taxes on real property upon which the same are levied, in arrears on the first day of July eighteen hundred and seventy eight, including all taxes due to the late corporation of Washington City, Georgetown, levy court, and the District of Columbia; and he shall within fifteen days thereafter, publish the same with a notice of sale, in a pamphlet of which not less than five thousand copies shall be printed for circulation; and it shall be the duty of said collector of taxes to give notice by advertising in the regular issue of two daily newspapers published in said District twice a week for three successive weeks, that said pamphlet has been printed and that a copy thereof will be delivered to any tax payer applying therefor at the office of said tax-collector; and that if the taxes due together with the penalties and costs that may have accrued thereon, shall not be paid prior to the day named for sale, the property will be sold by the said collector at public auction at office of said collector in the city of Washington, on the second Tuesday of August following, and each day thereafter until all is sold, at a fixed hour, between the hours of ten o'clock in the forenoon, and four o'clock in the afternoon of said days to the highest bidder or bidders. The expenses of said advertising and the printing of said pamphlet shall be paid, by a charge of twenty cents for each lot or piece of property advertised. Upon the day specified aforesaid, the collector shall proceed to sell any and all property upon which such taxes remain unpaid, and continue to sell the same every secular day until all the real property as aforesaid shall have been brought to auction.

Expenses.

NOTES.—(1) Although the title of this act would indicate that it was enacted for a single year, yet the concluding section (§ 18, *infra*, p. 147) makes it the tax law of the District till repealed, and, as such, it is still in force, except so far as superseded or repealed by subsequent acts noted in the text or margin.

In many respects both this act and the amendatory one of 1878, April 3, ch. 48, *post*, p. 156, are superseded by 1893, March 3, ch. 137, as amended by 1891, March 3, ch. 546, par. 2, *post*, pp. 413, 961; but as the latter acts are in terms limited to the assessment and taxation of real property, all of the acts of 1877 and 1878, covering both real and personal property, are here retained except such parts as are clearly superseded by subsequent enactments.

(2) Reduced to one dollar by the act noted in the margin.

Immediately after the close of the sale, upon payment of the purchase-money he shall issue to the purchaser a certificate of sale, and if the property shall not be redeemed by the owner thereof within two years from the day of sale by payment to the collector of said District for the use of the legal holder of the certificate of the amount for which it was sold at such sale, and fifteen per centum per annum thereon, a deed thereof shall be given by the Commissioners of the District, or their successors in office, to the purchaser at the tax-sale or the assignee of such certificate, which deed shall be admitted and held to be prima facie evidence of a good and perfect title, in fee simple to any property bought at any sale herein authorized; and all proceedings prior to said deed shall be presumed to have been regular until the contrary be proved;

Certificate and deed to be given purchaser.

Provided, That no property advertised as aforesaid shall be sold upon any bids not sufficient to meet the amounts of tax penalty and costs; but in case the highest bid upon any property is not sufficient to meet the taxes penalty and costs thereon said property shall thereupon be bid off by the said Commissioners or their successors in office, in the name of the District of Columbia;

— to be prima-facie evidence of title.

1887, Jan. 26, ch. 41, *post*, p. 519.

Property not to be sold for less than tax, etc.

But the property so bid off, shall not be exempted from assessment and taxation, but shall be assessed and taxed as other property;

— still subject to tax.

And if within two years thereafter such property is not redeemed by the owner or owners thereof, by the payment of the taxes penalties and costs due at the time of the offer of the sale, and that may have accrued after that date and ten per centum per annum thereon, or if any property two years after having been so bid off at any sale whatever in the name of said District, under this or any other law, and whether heretofore or hereafter made is not or has not been so redeemed as aforesaid, then the Commissioners of the District or their successors in office shall, in the name and on behalf of the District of Columbia apply to the supreme court of said District sitting in equity for the purpose of enforcing the lien acquired as aforesaid by said District on the property aforesaid.

Lien to be enforced by bill in equity.

And until such judicial proceedings shall be had the property so as aforesaid sold for taxes, and bid off in the name of the District, either at any sale heretofore made or at any sale hereafter to be made, may be redeemed by the owner thereof by the payment of the taxes and all legal penalties and costs thereon.

Right to redeem till proceedings had.

Upon proof of the failure of the owner or owners of the property to redeem it as provided by law, unless it shall be shown by the defendant or defendants that the sale for taxes was irregular and void, the court shall, without unnecessary delay, giving these cases precedence over current business, decree the sale of said property to satisfy the taxes, penalties, costs, and interest due to the government of the District of Columbia; and the costs of suit and said sale shall be had in the same manner as of foreclosures, mortgages, or trusts in said court.

Decree for sale.

Precedence of tax cases.

No sale shall be made, unless by express order of the court, for an amount less than the aggregate of said taxes penalties, costs, and interest.

Minimum price.

Any surplus received from said sale over said aggregate and the costs of the court, including the commission of the trustee, shall be paid to the person in equity entitled to receive it; and, on confirmation of the sale, the court shall cause to be issued to the purchaser a deed which shall have the effect to convey to said purchaser all the right, title and estate of all persons whomsoever claiming an interest to said property, except as hereinafter provided:

Surplus proceeds.

Deed.

And provided also, That minors or other persons under legal disability be allowed one year after such minors coming to, or being of full age, or after the removal of such legal disability, to redeem the property so sold, or of which the title has, as aforesaid, become vested in the District of Columbia, from the purchaser or purchasers, his,

Redemption by persons under disability.

her, or their heirs or assigns, or from the District of Columbia, on payment of the amount of purchase-money so paid therefor, with ten per centum per annum interest thereon as aforesaid, and all taxes and assessments that have been paid thereon by the purchaser, or his assigns, between the day of sale and the period of such redemption, ten per centum per annum interest on the amount of such taxes and assessments.

Collector's re-
port of sales.

SEC. 6. That the collector of taxes, immediately after he shall have made sale of any property as aforesaid, shall file with the comptroller a written report, in which he shall give a statement of the property advertised and the property sold, to whom it was assessed, the taxes due, to whom sold, the amount paid, the date of sale, the cost thereof, and the surplus, if any, and the lands so as aforesaid sold to the District.

Deposit of sur-
plus proceeds.

Any surplus remaining, after collection of taxes, penalties, and costs, on any real estate, shall be deposited by the collector of taxes to the credit of the surplus fund, to be paid to the owner or owners, or their legal representatives, in the same manner as other payments made by the District of Columbia.

Distress for de-
linquent tax on
personal property.

SEC. 7. That when the installment of one-half of the taxes on personal property so as aforesaid due and payable before the first day of November, eighteen hundred and seventy-seven, shall not be paid before said date, or when the remaining installment shall not be paid before the first day of June, eighteen hundred and seventy-eight, then, and in either such event, the collector of taxes, or his deputy, may distrain sufficient goods and chattels found within said District, and belonging to the person, persons, association, firm, or corporation charged with such tax, to pay the taxes remaining due under the provision of this law from such persons, firm, association or corporation, together with the penalty thereon and the costs that may accrue;

Sale of land,
when no goods,
etc.

And, for want of such goods and chattels, said collector may levy upon and sell at auction, in like manner, the estate and interest of such person, firm, association, or corporation in any parcel of land in said district; and in that case the proceedings as to such land subsequent to sale shall be the same as in the case of taxes against real estate, as in this act provided; and thereupon said collector shall immediately proceed to advertise the same, by public notices posted in front of the court-house, in the city of Washington, and in the office of said collector, and by advertisement three times for one week in some daily newspaper published in said District, as hereinafter provided, stating the time when and the place where such property shall be sold, the last publication to be at least six days before the day of sale; and if the taxes and penalty thereon for which such property shall have been distrained, and the costs and expense which shall have accrued thereon, shall not be paid before the day fixed for such sale, which shall be not less than ten days after the taking of such property, the collector shall proceed to sell, at public auction, in front of his office, to the highest bidder, such property, or so much thereof as may be sufficient to pay said taxes, penalty, and accrued costs and expense of such distraint and sale.

Fees for selling.
1889, Mar. 2, ch.
370, par. 1, post,
p. 676.

Report of dis-
tress and ac-
counts.

The collector of taxes shall be allowed, for making such distress and sale, the same fees as are now by law allowed to the marshal of said District for making levy and sale of property under execution.

Said collector shall report in detail every such distress and sale, in writing, to the Commissioners of the District, or their successors in office; and his accounts, in respect of every such distress or sale, shall forthwith be submitted by him to the accounting-officers of the District, and audited by them.

Surplus proceeds.

Any surplus resulting from such sale shall be paid into the treasury of the District, and, upon being claimed by the owner or owners of the goods and chattels, shall be paid to him.

SEC. 8. That the property exempt from taxation under this act shall be the following and no other, namely:

First, the Corcoran Art Building, free public library buildings, churches, the Soldiers' Home, and grounds actually occupied by such buildings;

Secondly, houses for the reformation of offenders, almshouses, buildings belonging to institutions of purely public charity, conducted without charge to inmates, profit, or income; cemeteries dedicated and used solely for burial purposes and without private income or profit; but if any portion of any such building, house, grounds, or cemetery so in terms excepted is larger than is absolutely required and actually used for its legitimate purpose and none other, or is used to secure a rent or income, or for any business purpose, such portion of the same, or a sum equal in value to such portion, shall be taxed against the owner of said building or grounds;

Thirdly, such property as is now exempt from taxation by laws of the United States;

Fourthly, personal property not in said District and taxed elsewhere, but owned by persons domiciled in said District;

Fifthly, personal property not held for sale and not over the value of five hundred dollars.

SEC. 9. That from the assessed value of the credits only of any person there shall be deducted the amount of any valid and bona-fide debt or debts which any such person shall individually and absolutely owe, in respect of which he has no remedy over against any other person, upon the same being established by the affidavit of such person claiming deduction as hereinafter provided.

SEC. 10. That the Commissioners of said District or their successors in office shall cause to be prepared a printed blank schedule of personal property, including bonds, deeds of trust, mortgages, credits, and other choses in action or possession owned or held in trust or otherwise subject to taxation under the provisions of this act, together with deductions claimed for exemptions or debts, to which shall be appended an affidavit in blank, setting forth that the foregoing presents a full and true statement of all the personal property, bonds, deeds of trust, mortgages credits, and all other choses in action or possession, together with the amount of indebtedness on account of which deductions are claimed, and the kind of property claimed as exempt, under which class of exemptions, and that the property claimed as exempt under the fifth clause does not exceed in value five hundred dollars.

And when said schedule is ready for delivery, notice thereof shall be given by the assessors by advertisement for six successive secular days, in one or more of the daily papers published in said District, and a copy of said schedule shall be delivered to any citizen applying therefor at the office of said assessors.

Every person, corporation, or firm in said District liable to taxation hereunder, and every executor, administrator, guardian, or trustee holding property in trust liable to taxation hereunder, shall, within forty five days after the first publication of said advertisement as aforesaid, fill up the proper blanks in said schedule with a full and true statement in this section above required, and make and sign an affidavit to the truth thereof as aforesaid before one of the said assessors, who is hereby authorized to administer such oath without charge, or before any person authorized by law to administer oaths; and the address in the District of the affidavit shall in each case be given below his signature, and thereupon any one of said assessors shall assess said property at its fair cash value, and enter the same in the columns upon said blank to be provided for that purpose, and the amount thus ascertained after making the deductions provided for in this act shall be entered upon the books for taxation:

Exemptions.
1878, June 11, ch.
180, § 14, *post*, p.
180.
1879, June 21,
ch. 33, *post*, p. 266.
R. S. of D. C., §§
147, 148.
1881, March 3,
ch. 160, *post*, p. 328.

Debts to be de-
ducted from
credits.

Blank schedules
of personal prop-
erty to be pre-
pared.

— to be adver-
tised.

— to be filled up
and sworn to.

Assessment on
schedules.

Failure to make schedule.

Provided, That if any person, firm or corporation, administrator, executor, guardian, or trustee, shall fail to make for forty five days after the first advertisement of the notice above required, and deliver to the assessors or one of them, the schedule of his or its said property held in trust or otherwise, as in this section provided for, any one of said assessors shall, without delay from the best information he can procure, make an assessment against such person, firm or corporation, to which he shall add fifty per centum thereof:

When return of schedule not satisfactory.

Provided further, That if a majority of said assessors be not satisfied as to the correctness of the return of personal property so made by any person, corporation, firm executor administrator, guardian, or trustee, any one of said assessors may, from the best information he can procure, or by making such an examination of the personal property as may be practicable, assess the same in such amount as to him may seem just; and notice of the rejection of the sworn return shall be given to the party intrusted at the address given by him on the schedule, if he shall have given one; and he shall in all cases have the right of appeal to the board of assessors within the time hereafter limited:

Notice of rejection.

Appeal.

False affidavit; penalty.

R. S., § 5392.

And provided further, That if any person shall make a false affidavit touching the matters herein provided for, he shall be deemed guilty of perjury, and upon conviction thereof, shall be subject to the penalties for that offense now provided for by section fifty-three hundred and ninety-two of the Revised Statutes of the United States.

Capital stock taxable to corporation only.

—real estate.

SEC. 11. That the capital stock of all corporations in said District not herein exempted shall be appraised in bulk by the assessor, and the corporation issuing the same shall be liable for the tax thereon according to such value and the shares in the same shall not be assessed against the individual owners thereof; but from the appraised value of the stock shall be first deducted the value of of any real estate of said corporation in said District, which shall be separately taxed against said corporation.

SEC. 12. [*Provides for appointment of three assessors. Omitted parts superseded by 1883, March 3, ch. 137, post, p. 413, and 1891, March 3, ch. 546, par. 2, post, p. 931.*]

Time and manner of assessment.

Said assessors shall, before the first day of October, eighteen hundred and seventy-seven under the direction of the superintendent of assessments and taxes of said District assess the value of all the real property not embraced in the assessment for the fiscal year, ending June thirtieth, eighteen hundred and seventy seven, inclusive of all buildings erected, or roofed, improved or enlarged, and not heretofore taxed, and all personal property in said District liable to taxation, and shall state the same separately, in books to be kept in a systematic manner; and such value for taxation shall be the true value in the lawful money of the United States of the property so assessed.

Value; how to be fixed or averaged.

1878, April 3, ch. 48, § 1, *post*, p. 156.

The assessed value shall have reference to the date of the first day of July, eighteen hundred and seventy seven, except in regard of buildings erected, roofed, improved, or enlarged subsequent to that date, or, in the case of stock in trade, shall be the average value of the stock of merchandise or other articles kept on hand during the year ending June thirtieth, eighteen hundred and seventy-seven.

Personal property taxable for fraction of tax year.

Where a person, coming into the District subsequent to June thirtieth, eighteen hundred and seventy seven, engages in trade of a permanent character, he shall pay a tax proportioned to the fraction of the tax year ending June thirtieth, eighteen hundred and seventy eight, during which he conducts said trade and the assessment in said case shall have reference to the average stock in trade for sixty days from the date of commencing business:

Goods brought in for sale at auction.

But when any person shall bring a stock of goods of any character whatever into the District for sale by auction, a tax of one and one half per centum shall be paid to the collector of the District; and; it shall be the duty of the auctioneer making such sales to deduct

the said tax from the gross proceeds of each and every sale so made by him at the close of each days sale and pay the same to the said collector;

And when goods are so brought into the District to be otherwise disposed of than at auction, and in a place of business temporarily occupied for their sale, then before it shall be lawful to make any sales whatever, the owner of said goods shall notify the board of assessors who shall assess the entire stock to be sold, at its fair cash value, and the owner thereof shall pay to the collector of the District a tax of one and one half per centum on such assessed value, and shall receive a receipt therefor, which receipt shall be his permit to proceed with the sale of the goods;

—for sale in temporary place of business.

And any auctioneer or owner of goods who shall violate the provisions of this section, or any part thereof shall be fined in the police court of said District, on information filed therein, in the name of the District of Columbia, in the manner used for breach of municipal ordinances and laws, not less than one hundred dollars and not more than one thousand dollars. * *

Penalty for violation.

SEC. 13. [*Superseded by 1882, July 1, ch. 263, § 3, post, p. 351.*]

Deposit and drawing of moneys.

SEC. 14. That the twenty-third section of the act of the legislative assembly of the District of Columbia, entitled "An act imposing a license on trades, business, and professions practiced or carried on in the District of Columbia," approved August twenty-third eighteen hundred and seventy-one, clause twenty of the twenty-first section of said act, and all other laws and acts, or parts thereof, inconsistent herewith, be, and the same are hereby, repealed.

License act of legislative assembly repealed in part.

SEC. 15. That the corporation of the District of Columbia is continued for all the purposes of this act and other acts for the collection of taxes, for suing and being sued, for causes arising prior to June twentieth, eighteen hundred and seventy-four and for acquiring and holding real estate for school and municipal purposes.

Corporation of District continued.

SEC. 16. That hereafter no two lots or subdivisions of original or other lots in any square of ground in the District of Columbia shall be designated by the same number or by the same letter of the alphabet, and the Commissioners of the District of Columbia, or their successors in office, shall cause the numbers and letters designating lots in all the squares of ground in said District to be revised and changed to conform to this requirement;

Designation of lots by number and letter to be revised.

1888, Aug. 27, ch. 916, post, p. 618.

And they shall make such further changes in the existing numbers or letters designating lots in any of the squares in the cities and villages in said District as may, in their opinion, facilitate and simplify the labor of assessing real estate therein.

—to be simplified.

SEC. 17. [*Temporary and superseded.*]

SEC. 18. That this act shall remain in force as the tax law of the District of Columbia for each subsequent year after June thirtieth, eighteen hundred and seventy-eight, until repealed.

This act permanent.

[*March 3, 1877.*]

CHAP. 120.—An act amending the pension-law so as to remove the disability of those who, having participated in the rebellion, have, since its termination, enlisted in the Army of the United States, and become disabled.

March 3, 1877.

Be it enacted, &c., That the law prohibiting the payment of any money on account of pensions to any person, or to the widow, children, or heirs of any deceased person, who, in any manner, engaged in or aided or abetted the late rebellion against the authority of the United States, shall not be construed to apply to such persons as afterward voluntarily enlisted in the (1) Army of the United States,

19 Stat. L., 403.

Pensions allowed to disabled soldiers, &c., in certain cases, although they had engaged in rebellion.

NOTE.—(1) But this act is held not to apply to persons who enlisted in the Navy, after having engaged in rebellion.

R. S., § 4716.
1878, March 9
ch. 28, § 5, *post*,
p. 154.
1887, Jan. 29,
ch. 70, *post*, p.
523.

and who, while in such service, incurred disability from a wound or injury received or disease contracted in the line of duty. [*March 3, 1877.*]

March 3, 1877.

CHAP. 121.—An act equalizing pensions of certain officers in the Navy.

19 Stat. L., 403.
Pensions to en-
gineers in Navy to
be according to
relative rank.
R. S., § 4728.
1874, Feb. 24, ch.
35, § 1, *ante*, p. 4.

Be it enacted, &c., That from and after the passage of this act, the pension for total disability of passed assistant engineers, assistant engineers, and (1) cadet engineers in the naval service, respectively, shall be the same as the pensions allowed to officers of the line in the naval service with whom they have relative rank; and that all acts or parts of acts inconsistent herewith be, and are hereby, repealed. [*March 3, 1877.*]

NOTE.—(1) Grade of "cadet engineer" abolished and "naval cadet" substituted by 1882, Aug. 5, ch. 391, par. 1, *post*, p. 376.

March 3, 1877.

CHAP. 122.—An act to amend section twenty-two hundred and ninety-one of the Revised Statutes of the United States, in relation to proof required, in homestead entries. (1)

19 Stat. L., 403.
**Proof of resi-
dence, occupation,
&c., and oaths of
persons making
entry of home-
stead lands; before
whom may be
taken.**

Be it enacted, &c., That the (2) proof of residence, occupation, or cultivation, the affidavit of non-alienation, and the oath of allegiance, required to be made by section twenty-two hundred and ninety-one of the Revised Statutes, may be made before the judge, or, in his absence, before the clerk, of any court of record of the county and State, or district and Territory, in which the lands are situated;

R. S., § 2291.
1879, March 3,
ch. 192, *post*, p.
258.

And if said lands are situated in any unorganized county, such proof may be made in a similar manner in any adjacent county in said State or Territory; and the proof, affidavit, and oath, when so made and duly subscribed, shall have the same force and effect as if made before the register or receiver of the proper land-district;

1880, June 9, ch.
164, *post*, p. 292.
—to be transmit-
ted to register, &c.

And the same shall be transmitted by such judge, or the clerk of his court, to the register and the receiver, with the fee and charges allowed by law to him;

Fees of register,
&c.

And the register and receiver shall be entitled to the same fees for examining and approving said testimony as are now allowed by law for taking the same.

1890, May 26, ch.
355, *post*, p. 743.

Punishment for
false swearing,
&c.

SEC. 2. That if any witness making such proof, or the said applicant making such affidavit or oath, swears falsely as to any material matter contained in said proof, affidavits, or oaths, the said false swearing being willful and corrupt, he shall be deemed guilty of perjury, and shall be liable to the same pains and penalties as if he had sworn falsely before the register. [*March 3, 1877.*]

NOTES.—(1) This act is incorporated into the second edition of the Revised Statutes in section 2291.
(2) See important modifications of homestead law by 1891, March 3, ch. 561, §§ 5, 6, *post*, pp. 942, 943.

RESOLUTION.

March 3, 1877.

NUMBER 7.—Joint resolution to amend the joint resolution authorizing the Secretary of War to issue arms, approved July third, eighteen hundred and seventy-six.

19 Stat. L., 410.

**Ammunition for
Territories, &c.**
R. S., § 1667.
1876, July 3, Res.
No. 13, *ante*, p.
124.

Resolved, &c., That the joint resolution approved July third, eighteen hundred and seventy-six, authorizing the Secretary of War to issue arms to the Territories and the States bordering thereon, be, and the same is hereby, amended by inserting, after the words "each of said Territories," the words "and ammunition for the same, not to exceed fifty ball-cartridges for each arm." [*March 3, 1877.*]

FORTY-FIFTH CONGRESS—FIRST AND SECOND SESSIONS

IN

THE YEARS 1877-1878.

FIRST [EXTRA] SESSION—1877.

CHAP. 1.—An act making appropriations for the support of the Army for the fiscal year ending June thirtieth, eighteen hundred and seventy-eight, and for other purposes.

Nov. 21, 1877.

20 Stat. L., 1.

Be it enacted, &c., * * That cavalry regiments may be recruited to one hundred men in each company, and kept as near as practicable at that number;

Cavalry companies may have 100 men.

R. S., §§ 1102, 1103.

And a sufficient force of cavalry shall be employed in the defense of the Mexican and Indian frontier of Texas:

Cavalry on Texas frontier.

Provided, That nothing herein contained shall authorize the recruiting the number of men on the Army rolls, including Indian scouts and hospital stewards, beyond twenty-five thousand. * *

Not to authorize over 25,000 men in Army.

[November 21, 1877.]

1879, June 23, ch. 35, par 1, and note, *post*, p. 267.

CHAP. 6.—An act authorizing binding of documents for members of Congress.

Dec. 10, 1877.

20 Stat. L., 5.

Be it enacted, &c., That the Public Printer, be authorized to bind at the Government Printing Office any books, maps, charts, or documents published by authority of Congress, upon application of any member of the Senate or House of Representatives, upon payment of the actual cost of such binding [December 10, 1877.]

Members of Congress may have documents bound.

R. S., § 3809.

1882, Aug. 7, ch. 433, par. 16; 1883,

March 3, ch. 143, par. 8; *post*, pp. 382, 421.

SECOND SESSION—1877—1878.

CHAP. 1.—An act to provide a method for the settlement and adjustment of the accounts of the Attorney of the United States for the District of Columbia.

Dec. 14, 1877.

20 Stat. L., 7.

Be it enacted, &c., That the emolument returns of the Attorney of the United States for the District of Columbia shall be returned to the Attorney-General, and the accounts of the said Attorney shall be rendered, audited, and paid in the same manner as accounts of all other district attorneys are rendered, audited, and paid. [December 14, 1877.]

U. S. Att'y of D. C., mode of rendering, &c., accounts.

1875, Feb. 22, ch.

95, § 1, *ante*, p. 65.

1890, Aug. 8, ch.

729, *post*, p. 779.

Dec. 15, 1877.

20 Stat. L., 10.

CHAP. 3.—An act to provide for deficiencies in the appropriations for the service of the government for the fiscal year ending June thirtieth, eighteen hundred and seventy-eight, and for prior years, and for other purposes.

Public documents may be sent by mail free by Vice-President, &c.

R. S., §§ 3896-3913.

1877, Mar. 3, ch. 103, § 7, *ante*, p. 136; 1879, March 3,

Be it enacted, &c. * * That the Vice-President, Senators, Representatives, and Delegates in Congress, the Secretary of the Senate, and Clerk of the House of Representatives may send and receive through the mails free all public documents printed by order of Congress, and in the manner provided by section seven of the "act establishing post-roads, and for other purposes," approved March third, eighteen hundred and seventy-seven. * * [December 15, 1877.]

180, par. 1, *post*, p. 245. 16 Opins., 271.

Dec. 15, 1877.

20 Stat., L., 13.

Biennial Register; number to be printed, and how distributed.

R. S., § 3800.

1882, Aug. 5, ch. 390, par. 3, *post*, p. 376.

CHAP. 4.—An act providing for the printing and distribution of the Biennial Register.

Be it enacted, &c., That in lieu of the number of copies of the Biennial Register now authorized by law to be printed, the Secretary of the Interior be, and he is hereby, directed to cause to be printed twenty-five hundred copies of the said work, to be distributed as follows:

To the President of the United States, four copies, one copy of which shall be for the library of the Executive Mansion;
To the Vice-President of the United States, two copies;
To each Senator, Representative, and Delegate in Congress, one copy;

To the Secretary of the Senate, one copy;

To the Clerk of the House, one copy;

To the Library of the Senate, fifty copies, of which one copy shall be supplied to each standing committee of the Senate;

To the Library of the House of Representatives, seventy-five copies, of which one copy shall be supplied to each standing committee of the House;

To the Library of Congress, twenty-five copies;

To the Department of State, two hundred and fifty copies;

To the Treasury Department, one hundred and fifty copies;

To the War Department, fifty copies;

To the Navy Department, twenty copies;

To the Department of Justice, twenty-five copies;

To the Post-Office Department, one hundred copies;

To the Department of the Interior, two hundred and fifty copies;

To the Department of Agriculture, five copies;

To the Smithsonian Institution, four copies;

1887, March 3, Res. No. 20, *post*, p. 575.

To the State library and State historical society of each State, and to the executive of each Territory, and to the designated depository of public documents in each congressional district in the United States, one copy each,

And the remaining copies shall be kept by the Secretary of the Interior as a reserve, from which he may supply newly-created offices; and members of Congress one additional copy each.

Biennial Register: material for, when to be furnished.

R. S., §§ 198, 510. 1880, June 16, ch. 235, par. 6, *post*, p. 298.

SEC. 2. That hereafter the lists directed by sections one hundred and ninety-eight and five hundred and ten of the Revised Statutes to be furnished by the several departments and offices of the Government for the Biennial Register shall be made up to the last day of June of each year in which a new Congress is to assemble, and shall be filed as soon thereafter as practicable in the Department of the Interior. [December 15, 1877.]

CHAP. 10.—An act to further regulate the purchase of material for the public printing and binding.

Feb. 1, 1878.

Be it enacted, &c., That the Joint Committee on the Public Printing be and hereby is authorized to give permission to the Public Printer to purchase material in open market, whenever in their opinion, it would not promote the public interest to advertise for proposals and to make contracts for the same:

Provided, however, That the purchases authorized by this act shall not in any term of six months, exceed the sum of fifty dollars for any particular article required. [*February 1, 1878.*]

97, 114. 1882, Dec. 21, ch. 5; 1883, Feb. 12, ch. 43,

20 Stat. L., 22.

Materials may be purchased by Public Printer without advertising in certain cases.

R. S., § 3778. 1876, Jan. 25, ch. 4; July 31, ch. 246, par. 1; *ante*, pp. 389, 397. *post*, pp. 389, 397.

CHAP. 12.—An act to punish embezzlement in the District of Columbia, and to protect the records of said District, and for other purposes.

Feb. 4, 1878.

20 Stat. L., 23.

Be it enacted, &c., That if any officer, clerk, agent, or employee in the service of the District of Columbia, or in the service of any of the officers thereof, shall embezzle or wrongfully convert to his own use, or fraudulently take, make way with, or secrete, with intent to embezzle or fraudulently convert to his own use, or shall knowingly and willfully or wrongfully sell or dispose of any money, goods, rights of action, bonds, or obligations of the United States, or any State, or any municipal or other corporation, foreign or domestic, Treasury notes, postage or revenue stamps, warrants, or other valuable security or effects whatever, belonging to said District, or to any person, government, or corporation, which shall come into his possession or under his care by virtue of such office, clerkship, agency or employment, he shall, on conviction thereof, be punished by a fine not exceeding five thousand dollars or by imprisonment not exceeding five years, or both.

SEC. 2. That if any officer, clerk, agent, or employee in the service of any person, firm, association, or corporation shall, within the District of Columbia, embezzle or wrongfully convert to his own use or fraudulently take, make way with, or secrete, with intent to embezzle or fraudulently convert to his own use, or shall knowingly and willfully or wrongfully sell or dispose of any money, goods, rights of action, bonds, or obligations of the United States, or any State, or any municipal or other corporation, foreign or domestic, Treasury notes, postage or revenue stamps, warrants, or other valuable security or effects whatever, belonging to such person, firm, association, or corporation, which shall come into his possession or under his care by virtue of such office, clerkship, agency or employment, he shall on conviction thereof, be punished by a fine not exceeding five thousand dollars or by imprisonment not exceeding five years, or both.

—of property of private citizens, &c.

SEC. 3. That all records, books, files, maps plats, surveys, drawings, writings and other papers, of the late corporations of Washington Georgetown, or of the levy court of the District of Columbia, or made by persons in the employment or service of either of them, or of the District of Columbia, in the course of such employment or service, or which shall hereafter be so made, are, and shall be the property of the District of Columbia; (1)

Books, &c., of Washington, Georgetown, and levy court to belong to District.

1885, Feb. 25, ch. 145, par. 1, *post*, p. 476.

And whoever shall steal any such record, book, file, map, plat, survey drawing or other paper, or instruments used in surveying or engineering work, such property of said District of Columbia shall upon conviction thereof, be imprisoned not more than three years, or pay a fine not exceeding five thousand dollars or both, without reference to the value of the property or thing so taken.

—punishment for stealing, secreting, &c.

NOTE.—(1) Public records relating to real or personal property, open to inspection, 1879, Feb. 6, ch. 50, *post*, p. 216.

Records, &c., of Dist. Col. —penalty for secreting, removing, altering, &c.

SEC. 4. That all persons who shall willfully secrete or remove from the office, room or place where the same are usually kept, any record, book, file, writing, paper map, plat, survey, drawing, field note, or any note in reference to the same, or instruments used in surveying or engineering work, the property of the District of Columbia, or within the care or custody of the Commissioners of the District of Columbia, or of any officer or employe of said District, or shall alter, change, deface, obliterate or destroy the same or who having removed from such office room or place where the same was usually kept any article or thing hereinbefore named, or who having come into possession of any such article or thing, so removed, and who knowing such to be the property of the District of Columbia shall hereafter on demand of the Commissioners of said District, their agent or attorney, refuse or neglect forthwith to return the same, shall be guilty of a misdemeanor, and upon conviction thereof shall be imprisoned not more than three years, or be fined not exceeding five thousand dollars, or both. [February 4, 1878.]

Feb. 11, 1878.

CHAP. 14.—An act to change the name of the "Consulate at Omoa and Truxillo."

20 Stat. L., 24. Consulate at Omoa, &c., Honduras, changed to Ruatan and Truxillo.

Be it enacted, &c., That the name of the "Consulate at Omoa and Truxillo" be, and the same is hereby, changed to the "Consulate Ruatan and Truxillo." [February 11, 1878.]

R. S., § 1690, Sch. C, p. 302. 1876, Feb. 18, ch. 12, ante, p. 98.

Feb. 28, 1878.

CHAP. 20.—An act to authorize the coinage of the standard silver dollar, and to restore its legal-tender character.

20 Stat. L., 25. Silver dollars to be coined and to be legal tender. R. S., §§ 3009, 3473, 3474, 3513, 3586.

Be it enacted, &c., That there shall be coined, at the several mints of the United States, silver dollars of the weight of four hundred and twelve and a half grains Troy of standard silver, as provided in the act of January eighteenth, eighteen hundred thirty-seven, on which shall be the devices and superscriptions provided by said act; (1) which coins together with all silver dollars heretofore coined by the United States, of like weight and fineness, shall be a legal tender, at their nominal value, for all debts and dues public and private, except where otherwise expressly stipulated in the contract.

[Omitted lines repealed and superseded, 1890, July 14, ch. 708, § 5, post, p. 775. See note thereto.]

Silver not to be used in payment of gold certificates. R. S., § 254.

And provided further, That nothing in this act shall be construed to authorize the payment in silver of certificates of deposit issued under the provisions of section two hundred and fifty-four of the Revised Statutes.

Certificates for silver deposited to be issued. 1887, March 3, 362, par. 2, post, p. 563.

SEC. 2. [Temporary and expired.] SEC. 3. That any holder of the coin authorized by this act may deposit the same with the Treasurer or any assistant treasurer of the United States, in sums not less than ten dollars, and receive therefor certificates of not less than ten dollars each, corresponding with the denominations of the United States notes.

— coin for, to be retained.

The coin deposited for or representing the certificates shall be retained in the Treasury for the payment of the same on demand.

Standard of gold and silver coin.

NOTE.—(1) The provisions of the act of 1837, ch. 3 (5 Stat. L., 137), here referred to, are as follows: "Sec. 8. That the standard for both gold and silver coins of the United States shall hereafter be such, that of one thousand part by weight, nine hundred shall be of pure metal, and one hundred of alloy; and the alloy of the silver coins shall be copper. * * *

Weight of silver dollar. Devices, &c., on coins.

"Sec. 9. That of the silver coins, the dollar shall be of the weight of four hundred and twelve and one-half grains; * * * " SEC. 13. That upon the coins struck at the mint there shall be the following devices and legends: Upon one side of each of said coins there shall be an impression emblematic of liberty, with an inscription of the word LIBERTY, and the year of the coinage; and upon the reverse of each of the gold and silver coins there shall be the figure or representation of an eagle, with the inscription United States of America, and a designation of the value of the coin. * * *

Said certificates shall be receivable for customs, taxes, and all public dues, and, when so received, may be reissued. —receivable for customs, taxes, and public dues.

R. S. §§ 3009, 3473, 3474. 1882, July 1, ch. 290, § 12, *post*, p. 356

SEC. 4. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed. [*Became a law February 28, 1878, notwithstanding the President's veto.*]

Repeal.

CHAP. 25.—An act to amend section four thousand seven hundred and seventy-eight of the Revised Statutes.

March 8, 1878.

20 Stat. L., 26.

Be it enacted, &c., That whenever during a session of the Senate a vacancy shall occur in the office of Pension Agent, by reason of resignation, death, removal or expiration of the term of office, or where any such agent lawfully appointed shall have failed to qualify and assume the duties of such office, the President may when the public exigency requires it, designate any officer of the United States to perform the duties of such office, but such designation shall not be for a longer time than twenty days,

In case of vacancy in office of pension agent during session of Senate President may designate officer to perform duties temporarily, &c.

R. S., §§ 1769, 4778.

And such officer so designated shall give bonds if required by the President for the faithful discharge of the said duties, and the Secretary of the Interior shall allow in the settlement of the accounts of such officer, the necessary expenses incurred by him in the discharge of his duties under this act.

The foregoing provisions shall apply to any vacancy now existing. [*March 8, 1878.*]

CHAP. 26.—An act to amend an act entitled "An act to provide for the preparation and publication of a new edition of the Revised Statutes of the United States", approved March second, eighteen hundred and seventy-seven.

March 9, 1878.

20 Stat. L., 27.

Be it enacted, &c., That an act entitled "An act to provide for the preparation and publication of a new edition of the Revised Statutes of the United States", approved March second, eighteen hundred and seventy-seven, be, and the same is hereby, amended as follows, to wit:

Revised Statutes; second edition to be evidence but not to control acts passed since Dec. 1, 1873.

R. S., §§ 5595, 5601.

1874, June 20, ch. 333, *ante*, p. 20.

1877, March 2, ch. 82, *ante*, p. 133.

By striking out from the ninth and tenth lines of section four as published in the nineteenth volume of the Statutes at Large, the words "and conclusive"; and, in the tenth line, the words "and treaties"; and, by inserting after the word "Territories" at the end of the eleventh line, the following words, to wit: "but shall not preclude reference to, nor control, in case of any discrepancy, the effect of any original act as passed by Congress since the first day of December, eighteen hundred and seventy-three." [*March 9, 1878.*]

CHAP. 27.—An act changing the times of holding terms of the district court for the district of West Virginia.

March 9, 1878.

20 Stat. L., 27.

Be it enacted, &c., That hereafter the district court of the United States for the district of West Virginia shall be held at the times and places following; but when any of said dates shall fall on Sunday the term shall commence the following Monday, to wit:

District court for West Virginia; when to be held.

R. S., § 572.

1878, Dec. 21,

ch. 9, and note *post*, p. 207.

1888, May 17, ch. 261, *post*, p. 587.

At the city of Wheeling, on the first day of March and the first day of September;

At Clarksburg, on the first day of April and the first day of October,

At Charleston, on the first day of May and the first day of November.

And all pending process, rules, and proceedings shall be conducted in the same manner and with the same effect as to time as if this act had not passed. [March 9, 1878.]

March 9, 1878.

20 Stat. L., 27.

War of 1812; soldiers and sailors of, to be placed on pension-rolls.

R. S., §§ 4736-4740.

16 Opins., 134.

Persons excluded.

Rate and term of pension.

1886, March 19, ch. 22, *post*, p. 487.

Widows.

Proof, and penalty for false oath.

Rolls may be corrected, &c.

Certificate of discharge and record evidence not necessary.

Grant of land-warrant *prima facie* evidence.

What applications to be considered under this act. R. S., §§ 4736.

Restoration of

CHAP. 28.—An act amending the laws granting pensions to the soldiers and sailors of the war of eighteen hundred and twelve, and their widows, and for other purposes.

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-rolls the names of the surviving officers and enlisted and drafted men, without regard to color, including militia and volunteers, of the military and naval service of the United States, who served for fourteen days in the war with Great Britain of eighteen hundred and twelve, or who were in any engagement, and were honorably discharged, and the surviving widows of such officers and enlisted and drafted men.

SEC. 2. That this act shall not apply to any person who is receiving a pension at the rate of eight dollars per month or more, nor to any person receiving a pension of less than eight dollars per month except for the difference between the pension now received (if less than eight dollars per month) and eight dollars per month.

Pensions under this act shall be at the rate of eight dollars per month, except as herein provided, and shall be paid to the persons entitled thereto, from and after the passage of this act, for and during their natural lives:

Provided, That the pensions to widows provided for in this act shall cease when they shall marry again.

SEC. 3. That before the name of any person shall be placed upon the pension-rolls under this act, proof shall be made, under such rules and regulations as the Commissioner of Pensions, with the approval of the Secretary of the Interior, shall prescribe, that the applicant is entitled to a pension under this act;

And any person who shall falsely take any oath required to be taken under the provisions of this act shall be guilty of perjury;

And the Secretary of the Interior shall cause to be stricken from the rolls the name of any person, when it shall appear, by proof satisfactory to him, that such name was put on said rolls by or through false or fraudulent representations, or by mistake as to the right of such person to a pension under this act.

The loss or lack of a certificate of discharge shall not deprive the applicant of the benefit of this act, but other proof of the service performed and of an honorable discharge, if satisfactory, shall be deemed sufficient; and when there is no record evidence of such service and such discharge, the applicant may establish the same by other satisfactory testimony:

Provided, That when any person has been granted a land-warrant under any act of Congress for and on account of service in the said war of eighteen hundred and twelve, such grant shall be *prima facie* evidence of his service and honorable discharge, so as to entitle him, if living, or his widow, if he be dead, to a pension under this act; but such evidence shall not be conclusive, and may be rebutted by evidence that such land-warrant was improperly granted.

SEC. 4. That all applications for pensions of the classes provided for in this act heretofore or which may hereafter be made shall be considered and decided as though made under this act;

And all laws now in force in regard to the manner of paying pensions, and in reference to the punishment of frauds, shall be applicable to all claims under the provisions of this act.

SEC. 5. That the Secretary of the Interior be, and he is hereby,

authorized and directed to restore to the pension-rolls the names of all persons now surviving heretofore pensioned on account of service in the war of eighteen hundred and twelve against Great Britain, or for service in any of the Indian wars, and whose names were stricken from the rolls in pursuance of the act (1) entitled "An act authorizing the Secretary of the Interior to strike from the pension-rolls the names of such persons as have taken up arms against the government, or who have in any manner encouraged the rebels," approved February fourth, eighteen hundred and sixty-two;

And that the joint resolution (2) entitled "Joint resolution prohibiting payment by any officer of the government to any person not known to have been opposed to the rebellion and in favor of its suppression," approved March second, eighteen hundred and sixty-seven, and section four thousand seven hundred and sixteen of the Revised Statutes of the United States, shall not apply to the persons provided for by this act:

Provided, That no money shall be paid to any one on account of pensions for the time during which his name remained stricken from the rolls. — without pay during suspension.

SEC. 6. That the surviving widow of any pensioner of the war of eighteen hundred and twelve where the name of said pensioner was stricken from the pension-rolls in pursuance of the act (1) entitled "An act authorizing the Secretary of the Interior to strike from the pension-rolls the names of such persons as have taken up arms against the government, or who have in any manner encouraged the rebels," approved February fourth, eighteen hundred and sixty-two, and where, under the existing provisions of law, said pensioner died without his name being restored to the rolls, shall be entitled to make claim for a pension as such widow after the passage of this act: Pension given to widows and orphans of those who were so stricken off and died before restoration.

Provided, That no such arrearages shall be paid for any period prior to the time of the removal of the disability of the pensioner, as provided in section five: 1862, ch. 18 (12 Stat. L., 337). R. S., §§ 3480, 4716.

And provided further, That under this act any widow of a Revolutionary soldier who served fourteen days or was in any engagement shall be placed upon the pension-rolls of the United States, and receive a pension at the rate of eight dollars per month.

SEC. 7. That all laws and clauses of laws in conflict with this act be, and they are hereby, repealed. [March 9, 1878.] Repeal.

NOTE.—(1) This act of 1862, Feb. 4, ch. 18 (12 Stat. L. 337), is not included in the Revised Statutes. (2) The joint resolution here referred to of 1867, March 2, No. 46 (14 Stat. L., 371), is incorporated into Revised Statutes in § 3480.

CHAP. 37.—An act to make persons charged with crimes and offenses competent witnesses in the United States and Territorial courts. March 16, 1878.

Be it enacted, &c., That in the trial of all indictments, informations, complaints, and other proceedings against persons charged with the commission of crimes, offences, and misdemeanors, in the United States courts, Territorial courts, and courts-martial, and courts of inquiry, in any State or Territory, including the District of Columbia, the person so charged shall, at his own request but not otherwise, be a competent witness. Defendants in criminal cases may be witnesses, &c. R. S., §§ 853, 1342, 1624. R. S. of D.C., § 876. 43 Fed. Rep., 248.

And his failure to make such request shall not create any presumption against him. [March 16, 1878.]

April 3, 1878.

20 Stat. L., 34.

CHAP. 48.—An act to amend an act entitled "An act for the support of the government for the District of Columbia for the fiscal year ending June thirtieth, eighteen hundred and seventy-eight, and for other purposes." (1)

District of Columbia; assessment of property in.

1877, March 3, ch. 117, § 12, *ante*, p. 146.

1883, March 3, ch. 137, *post*, p. 413.

1891, March 3, ch. 546, par. 2, *post*, p. 931.

Values to be assessed as of June 1, except, &c.

Equalizations.

Personal property of temporary residents exempt.

1877, March 3, ch. 117, § 8, par. 4, *ante*, p. 145.

Census of District to be taken by assessors.

Tax, when payable.

1878, June 11, ch. 180, § 4, *post*, p. 176.

Substitute for 1877, March 3, ch. 117, § 3, *ante*, p. 142, and 19 Stat. L., 396.

Be it enacted, &c., That the twelfth section of the act of Congress entitled "An act for the support of the government for the District of Columbia for the fiscal year ending June thirtieth, eighteen hundred and seventy-eight, and for other purposes," approved March third, eighteen hundred and seventy-seven, shall be, and is hereby, so amended that the assessors appointed under said act, or their successors in office, shall, before the first day of August, eighteen hundred and seventy-eight, under the direction of the superintendent of assessments and taxes of said district, assess the value of all the real and personal property in said District liable to taxation thereunder, and shall state the same in separate books, to be kept in a systematic manner, and such value for taxation shall be the true value in the lawful money of the United States of the property so assessed.

The assessed value shall have reference to the date of the first day of June, eighteen hundred and seventy-eight, except as to stock in trade, which shall be the average value of the stock of merchandise or other articles kept on hand during the year ending June thirtieth, eighteen hundred and seventy-eight.

Said assessors shall, between the first day of August, eighteen hundred and seventy-eight, and the twentieth day of August, eighteen hundred and seventy-eight, hold daily sessions for the purpose of equalizing the assessments theretofore made by them, and for the purpose of hearing and determining any and all appeals from the valuations theretofore made by them.

Each assessor shall, at the meetings of the assessors as aforesaid, make full and detailed reports of his act as such assessor. And during said period they shall have power to revise assessments theretofore made by them, or any of them, by either justly increasing or justly diminishing any particular assessment.

In section eight strike out the word "domiciled", and insert in lieu thereof the words "temporarily residing".

SEC. 2. The said assessors, while engaged in making the assessment as required in the first section of this act, shall also take an accurate census of the inhabitants of said District of Columbia, and return the same to the Commissioners of said District. For this purpose, the Commissioners of said District shall prepare the proper books, so arranged as to show, under proper heads, the name, sex, birth-place, race, age, and occupation of such inhabitants, and such other information as they shall prescribe.

SEC. 3. That section third of the act aforesaid be, and the same is hereby, amended by striking out in the first line of said section the words "by this act", and in line third of same section striking out the words "eighteen hundred and seventy-seven", and inserting in lieu thereof the words "next succeeding the completion of the assessment"; and by striking out in lines fourth and fifth of said section the words "eighteen hundred and seventy-eight", and inserting in lieu thereof the words "next following"; so that the said section shall read as follows:

"SEC. 3. That one-half the tax levied upon real and personal property shall become due and payable on the first day of November next succeeding the completion of the assessment, and the other half of such tax shall become due and payable on the first day of May next following; and in every case where the tax levied shall be paid by installments, as herein authorized, each of said payments shall be deemed to have been made on the several funds and for the different purposes indicated in the second section of this act; and an equal pro rata porportion of the payments so made shall be carried to the credit of the respective funds. [April 3, 1878.]

NOTE.—(1) See note (1) to 1877, March 3, ch. 117, *ante*, p. 142.

CHAP. 58.—An act to authorize the Secretary of War to prescribe rules and regulations to be observed in the preparation, submission, and opening of bids for contracts under the War Department.

April 10, 1878.
20 Stat. L., 36.

Be it enacted, &c., That the Secretary of War is hereby authorized to prescribe rules and regulations to be observed in the preparation and submission and opening of bids for contracts under the War Department. [*Remainder of act superseded, 1883, March 3, ch. 120, post, p. 404.*] [*April 10, 1878.*]

Secretary of War to make rules as to bids for contracts, require bonds, &c. R. S., §§ 3709, 3714-3717.

CHAP. 60.—An act to prevent deprecations upon property in the District of Columbia.

April 17, 1878.

Be it enacted, &c., That every person who, in the District of Columbia, shall willfully and without color of right, enter into any occupied or unoccupied dwelling-house or other building, the property of another, and shall cut, break, or tear from its place any gas-pipe, water-pipe, door-bell, or other fixture therein;

20 Stat. L., 36.
Depredation on fixtures in houses in District of Columbia, how punished.

Or who shall, in such dwelling-house or other building, willfully and without color of right cut, break, or tear down any wall, or part of a wall, or door, with intent to cut, break, or tear from its place any pipe or fixture therein,

R. S. of D. C., § 1154.
1882, July 12, ch. 289, *post*, p. 353.

Shall, for the first offense, be fined not more than two hundred dollars, and be imprisoned in the District jail not less than two months or more than one year, and for any subsequent offense shall be imprisoned in the penitentiary for not less than one year or more than three years. [*April 17, 1878.*]

Punishment.

CHAP. 66.—An act to prevent the introduction of contagious or infectious diseases into the United States (1).

April 29, 1878.

Be it enacted, &c., That no vessel or vehicle coming from any foreign port or country where any contagious or infectious disease may exist, and no vessel or vehicle conveying any person or persons, merchandise or animals, affected with any infectious or contagious disease, shall enter any port of the United States or pass the boundary line between the United States and any foreign country, contrary to the quarantine laws of any one of said United States, into or through the jurisdiction of which said vessel or vehicle may pass, or to which it is destined, or except in the manner and subject to the regulations to be prescribed as hereinafter provided.

20 Stat. L., 37.

Vessels from infected ports entering United States subject to State quarantine laws and regulations.

R. S., §§ 4792-4796.
1888, Aug. 1, ch. 727, *post*, p. 600.

SECS. 2, 3, 4. [*Repealed, (2) 1879, June 2, ch. 11, § 9, 21 Stat. L., 7.*]

SEC. 5. That wherever, at any port of the United States, any State or municipal quarantine system may now, or may hereafter exist, the officers or agents of such system shall, upon the application of the respective State or municipal authorities, be authorized and empowered to act as officers or agents of the national quarantine system, and shall be clothed with all the powers of United States officers for quarantine purposes, but shall receive no pay or emoluments from the United States.

Officers of State quarantine system may act as officers of national system, when, &c.

At all other ports where, in the opinion of the Secretary of the Treasury, it shall be deemed necessary to establish quarantine, the musical officers or other agents of the Marine-Hospital Service shall perform such duties in the enforcement of the quarantine rules and regulations as may be assigned them by the Surgeon-General of that service under this act:

Duties of officers of marine-hospital service.

R. S., §§ 4901-4906.
1890, March 27, ch. 51, § 2, *post*, p. 710.

NOTES.—(1) For prevention of introduction of such diseases from one State to another, see 1890, March 27, ch. 51, § 1, *post*, p. 709.

"Persons suffering from a loathsome or a dangerous contagious disease" are excluded from entering the U. S. by 1891, March 3, ch. 551, § 1, *post*, p. 934.

(2) The above-cited act of 1879, ch. 11, which repeals this act, has expired by the limitation of its own § 10. See R. S., § 12.

State laws not to be interfered with.
R. S., § 4792.
118 U. S., 464.
Repeal.

Provided, That there shall be no interference in any manner with any quarantine laws or regulations as they now exist or may hereafter be adopted under State laws.

SEC. 6. That all acts or parts of acts inconsistent with this act be, and the same are hereby, repealed. [April 29, 1878.]

April 29, 1878.

CHAP. 68.—An act to prevent the sale of policy or lottery tickets in the District of Columbia.

20 Stat. L., 39.
Policy-lottery or policy-shop in District of Columbia, and sale of tickets, &c., prohibited.

R. S. of D. C., §§ 1174, 1175.
1883, Jan. 31, ch. 40, *post*, p. 396.

Be it enacted, &c., That if any person shall, within the District of Columbia, keep, set up, or promote, or be concerned as owner, agent, clerk, or in any other manner, in managing any policy-lottery or policy-shop, or shall sell or transfer any ticket, certificate, bill, token, or other device purporting or intended to guarantee or assure to any person, or entitle him to a chance of drawing or obtaining a prize, or share of or interest in, any prize to be drawn in any lottery, or in the game or device commonly known as policy-lottery or policy; or shall, for himself or another person, sell or transfer, or have in his possession, for the purpose of sale or transfer, or shall aid in selling, exchanging, negotiating, or transferring a chance or ticket in, or share of a ticket in, any policy-lottery, or any such bill, certificate, token, or other device, he shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall forfeit and pay a fine of not more than five hundred dollars, or be imprisoned in the District jail not less than two months or more than one year or both in the discretion of the court.

Punishment.

Permitting house to be used for policy-lottery prohibited.

SEC. 2. That if any person shall knowingly permit in any house under his control, in the District of Columbia, the sale of any chance or ticket in, or share of a ticket in, any lottery or policy-lottery, or shall knowingly permit any lottery or policy-lottery or policy-shop in such house, he shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than fifty dollars or more than five hundred dollars, or be imprisoned in the District jail not less than two months or more than one year, or both, in the discretion of the court. [April 29, 1878.]

Punishment.

April 29, 1878.

CHAP. 69.—An act providing for the recording of deeds, mortgages, and other conveyances affecting real estate in the District of Columbia.

20 Stat. L., 39.

Deeds, &c., in District Columbia to take effect on delivery to recorder, as against purchasers, &c., without notice.

Substitute for.
R. S. of D. C., §§ 446, 447.
111 U. S., 728.
6 Mackey (D. C.), 225.

Be it enacted, &c., That sections four hundred and forty-six and four hundred and forty-seven of the Revised Statutes relating to the District of Columbia, passed at the first session of the Forty-third Congress, eighteen hundred and seventy-three and eighteen hundred and seventy-four, be, and the same hereby are, repealed, and there is enacted in lieu thereof the following:

All deeds, deeds of trust, mortgages, conveyances, covenants, agreements, or any instrument of writing which by law is entitled to be recorded in the office of the recorder of deeds, shall take effect and be valid, as to creditors and as to subsequent purchasers for valuable consideration without notice, from the time when such deed, deed of trust, mortgage, conveyance, covenant, agreement, or instrument in writing shall, after having been acknowledged, proved, or certified, as the case may be, be delivered to the recorder of deeds for record, and from that time only;

Recorder to note on deeds, &c., day and hour of delivery.

And the recorder of deeds shall note on each deed or other instrument of writing required by law to be recorded, the day and hour of delivery of the same to him to be recorded.

Deeds already recorded not affected.

SEC. 2. That this act shall not be so construed as to affect any deed or other instrument of writing heretofore recorded. [April 29, 1878.]

CHAP. 76.—An act authorizing the Secretary of the Treasury to employ temporary clerks, and making an appropriation for the same; also making appropriations for detecting trespass on public lands, and for bringing into market public lands in certain States, and for other purposes.

April 30, 1878.

20 Stat. L., 46.

Be it enacted, &c. * * **SEC. 2.** * * [Par. 1.] That all moneys heretofore, and that shall hereafter be, collected for depredations upon the public lands shall be covered into the Treasury of the United States as other moneys received from the sale of public lands: * *

Collections for depredations on lands to be covered into Treasury. R. S., §§ 2461, 4751.

17 Opins., 592. 1878, June 3, ch. 151, § 5, *post*, p. 169.

[Par. 2.] That if any timber cut on the public lands shall be exported from the Territories of the United States, it shall be liable to seizure by United States authority wherever found. * * [April 30, 1878.]

Timber cut on public lands exported from Territories liable to seizure.

1878, June 3, ch. 150, § 1; ch. 151, §§ 4, 5; *post*, pp. 166, 168, 169.

CHAP. 77.—An act for the allowance of certain claims reported by the accounting officers of the Treasury Department.

April 30, 1878.

20 Stat. L., 524.

Be it enacted, &c. * * **SEC. 2.** No claim shall hereafter be allowed by the accounting-officers, under the provisions of the act of congress, approved June sixteenth, eighteen hundred and seventy-four, or by the Court of Claims, or by Congress, to any person, where such claimant, or those under whom he claims, shall willfully, knowingly, and with intent to defraud the United States, have claimed more than was justly due in respect of such claim, or presented any false evidence to Congress, or to any department or court, in support thereof. [April 30, 1878.]

Certain claims not allowed where more is fraudulently claimed than is due.

R. S., §§ 300 A, 300 B, 1086.

1874, June 16, ch. 285, § 2, *ante*, p. 14. 15 C. Cls., 453.

CHAP. 88.—An act to extend the provisions of section thirty-two hundred and ninety-seven of the Revised Statutes to other institutions of learning.

May 3, 1878.

20 Stat. L., 48.

Be it enacted, &c., That the Secretary of the Treasury, be and is hereby authorized to grant permits, as provided for in section thirty-two hundred and ninety-seven of the Revised Statutes of the United States passed at the first session of the Forty-third Congress, to any scientific university, or college of learning created and constituted such by any State or Territory under its laws, though not incorporated or chartered, upon the same terms and subject to the same restrictions and penalties, already provided by said section thirty-two hundred and ninety-seven:

Alcohol in bond may be withdrawn for scientific purposes without payment of tax by certain institutions, though not incorporated.

R. S., § 3297.

Provided further, That the bond required thereby may be executed by any officer of such university or college, or by any other person for it, and on its behalf, with two good and sufficient sureties, upon like conditions, and to be approved as by said section is provided. [May 3, 1878.]

Bond; how signed.

CHAP. 91.—An act making appropriations for the naval service for the year ending June thirtieth, eighteen hundred and seventy-nine, and for other purposes.

May 4, 1878.

20 Stat. L., 48.

Be it enacted, &c. * * [Par. 1.] That on and after the first day of July, eighteen hundred and seventy-eight, there shall be no appointments made from civil life of secretaries or clerks to the Admiral, or Vice-Admiral, when on sea service, commanders of squadrons, or of clerks to commanders of vessels;

Secretaries or clerks to Admiral, Vice-Admiral, and commanders of vessels, &c., not to be appointed from civil life; how detailed from Navy.

And an officer not above the grade of lieutenant shall be detailed to perform the duties of secretary to the Admiral or Vice-Admiral,

R. S., § 1556, 2d ed., p. 267.

Charts to persons not in public service to be paid for at cost.

R. S., § 432.

when on sea service, and one not above the grade of master to perform the duties of clerk to a rear-admiral or commander, and one not above the grade of ensign to perform the duties of clerk to a captain, commander, or lieutenant-commander when afloat: * *

[Par. 2.] That (1) all charts hereafter furnished to mariners or others not in the government service shall be paid for at the cost price of paper and printing paid by the government. * * [May 4, 1878.]

NOTE.—(1) This provision is repeated in 1879, Feb. 14, ch. 68 (20 Stat. L., 286). It would appear to relate only to charts issued by the Navy Department. R. S. § 216 relates to sale by Secretary of War of charts of northwestern lakes. Distribution of Coast Survey Charts is regulated by 1878, June 20, ch. 359, par. 4, *post*, p. 202, and 1879, March 3, ch. 182, par. 2, *post*, p. 250.

May 7, 1878.

20 Stat. L., 56.

CHAP. 96.—An act to alter and amend the act entitled “An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes”, approved July first, eighteen hundred and sixty-two, and also to alter and amend the act of Congress approved July second, eighteen hundred and sixty-four, in amendment of said first-named act.

Pacific Railways.

Preamble
1862, ch. 120 (12 Stat. L., 499).

1864, ch. 216 (13 Stat. L., 356).

R. S., §§ 5256–5262.

Whereas, on the first day of July, anno Domini eighteen hundred and sixty-two, Congress passed an act entitled “An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes”; and

Whereas afterward, on the second day of July, anno Domini eighteen hundred and sixty-four, Congress passed an act in amendment of said first-mentioned act; and

Whereas the Union Pacific Railroad Company, named in said acts, and under the authority thereof, undertook to construct a railway, after the passage thereof, over some part of the line mentioned in said acts; and

Whereas, under the authority of the said two acts, the Central Pacific Railroad Company of California, a corporation existing under the laws of the State of California, undertook to construct a railway, after the passage of said acts, over some part of the line mentioned in said acts; and

Whereas the United States, upon demand of said Central Pacific Railroad Company, have heretofore issued, by way of loan and as provided in said acts, to and for the benefit of said company, in aid of the purposes named in said acts, the bonds of the United States, payable in thirty years from the date thereof, with interest at six per centum per annum, payable half yearly, to the amount of twenty-five million eight hundred and eighty-five thousand one hundred and twenty dollars, which said bonds have been sold in the market or otherwise disposed of by said company; and

Pacific Railways.

Preamble.

Whereas the said Central Pacific Company has issued and disposed of an amount of its own bonds equal to the amount so issued by the United States, and secured the same by mortgage, and which are, if lawfully issued and disposed of, a prior and paramount lien, in the respect mentioned in said acts, to that of the United States, as stated, and secured thereby; and

Whereas, after the passage of said acts, the Western Pacific Railroad Company, a corporation then existing under the laws of California, did, under the authority of Congress, become the assignee of the rights, duties and obligations of the said Central Pacific Railroad Company, as provided in the act of Congress passed on the third of March, anno Domini eighteen hundred and sixty-five, and did, under the authority of the said act and of the acts aforesaid, construct a railroad from the city of San Jose to the city of Sacramento, in California, and did demand and receive from the United States the sum of one million nine hundred and seventy thousand five hundred and sixty dollars of the bonds of the United States, of the description before mentioned as issued to the Central Pacific Company, and in the same manner and under the provisions of said acts; and upon and in respect of the bonds so issued to both said companies, the United States have paid interest to the sum of more than thirteen and a half million dollars, which has not been reimbursed; and

Whereas said Western Pacific Railroad Company has issued and disposed of an amount of its own bonds equal to the amount so issued by the United States to it, and secured the same by mortgage, which are, if lawfully issued and disposed of, a prior and paramount lien to that of the United States, as stated and secured thereby; and

Whereas said Western Pacific Railroad Company has since become merged in, and consolidated with, said Central Pacific Railroad Company, under the name of the Central Pacific Railroad Company, whereby the said Central Pacific Railroad Company has become liable to all the burdens, duties, and obligations before resting upon said Western Pacific Railroad Company; and divers other railroad companies have been merged in and consolidated with said Central Pacific Railroad Company; and

Whereas the United States, upon the demand of the said Union Pacific Railroad Company, have heretofore issued by way of loan to it and as provided in said acts, the bonds of the United States, payable in thirty years from the date thereof, with interest at six per centum per annum, payable half-yearly, the principal sums of which amount to twenty-seven million two hundred and thirty-six thousand five hundred and twelve dollars; on which the United States have paid over ten million dollars interest over and above all reimbursements; which said bonds have been sold in the market or otherwise disposed of by said corporation; and

Whereas said corporation has issued and disposed of an amount of its own bonds equal to the amounts so issued to it by the United States as aforesaid, and secured the same by mortgage, and which are, if lawfully issued and disposed of, a prior and paramount lien, in the respect mentioned in said acts, to that of the United States, as stated, and secured thereby; and

Whereas the total liabilities (exclusive of interest to accrue) to all creditors, including the United States, of the said Central Pacific Company, amount in the aggregate to more than ninety-six million dollars, and those of the said Union Pacific Railroad Company to more than eighty-eight million dollars; and

Whereas the United States, in view of the indebtedness and operations of said several railroad companies respectively, and of the disposition of their respective incomes, are not and cannot, without further legislation, be secure in their interests in and concerning said respective railroads and corporations, either as mentioned in said acts or otherwise; and

Whereas a due regard to the rights of said several companies respectively, as mentioned in said act of eighteen hundred and sixty-two, as well as just security to the United States in the premises, and in respect of all the matters set forth in said act, require that the said act of eighteen hundred and sixty-two be altered and amended as hereinafter enacted; and

Whereas, by reason of the premises also, as well as for other causes of public good and justice, the powers provided and reserved in said act of eighteen hundred and sixty-four for the amendment and alteration thereof ought also to be exercised as hereinafter enacted: Therefore,

Be it enacted, &c., That the net earnings mentioned in said act of eighteen hundred and sixty-two, of said railroad companies respectively, shall be ascertained by deducting from the gross amount of their earnings respectively the necessary expenses actually paid within the year in operating the same and keeping the same in a state of repair, and also the sum paid by them respectively within the year in discharge of interest on their first mortgage bonds, whose lien has priority over the lien of the United States, and excluding from consideration all sums owing or paid by said companies respectively for interest upon any other portion of their indebtedness;

And the foregoing provision shall be deemed and taken as an amendment of said act of eighteen hundred and sixty-four, as well as of said act of eighteen hundred and sixty-two.

This section shall take effect on the thirtieth day of June next, and be applicable to all computations of net earnings thereafter; but it shall not affect any right of the United States or of either of said railroad companies existing prior thereto.

SEC. 2. That the whole amount of compensation which may, from time to time, be due to said several railroad companies respectively for services rendered for the Government shall be retained by the United States, one-half thereof to be presently applied to the liquidation of the interest paid and to be paid by the United States upon the bonds so issued by it as aforesaid, to each of said corporations severally, and the other half thereof to be turned into the sinking-fund hereinafter provided for the uses therein mentioned.

SEC. 3. That there shall be established in the Treasury of the United States a sinking-fund, which shall be invested by the Secretary of the Treasury in bonds of the United States; and the semi-annual income thereof shall be in like manner from time to time invested, and the same shall accumulate and be disposed of as hereinafter mentioned. And in making such investments the Secretary shall prefer the five per centum bonds of the United States, unless, for good reasons appearing to him, and which he shall report to Congress, he shall at any time deem it advisable to invest in other bonds of the United States.

All the bonds belonging to said fund shall, as fast as they shall be obtained, be so stamped as to show that they belong to said fund,

Pacific rail-ways; net earnings, how to be ascertained.

99 U. S. 402.
1862, ch. 120 (13 Stat. L., 489).
1864, ch. 216 (13 Stat. L., 356).
20 C. Cls., 102.
138 U. S. 84.
1874, June 22, ch. 414, *ante*, p. 40.
1878, June 19, ch. 816, *post*, p. 194.

When section takes effect.

Compensation from United States to be retained, &c.

1879, March 3, ch. 183, par. 5, *post*, p. 254.
21 C. Cls., 183.
118 U. S., 237.
16 Opins., 516.
Sinking-fund.
1887, March 3, ch. 345, § 5, *post*, p. 537.

and that they are not good in the hands of other holders than the Secretary of the Treasury until they shall have been indorsed by him, and publicly disposed of pursuant to this act.

Credits to, and payments into, sinking-fund.

1878, June 19, ch. 316, §§ 4, 5, *post*, p. 195.

1882, Aug. 5, ch. 390, par. 1, *ante*, p. 375.

SEC. 4. That there shall be carried to the credit of the said fund, on the first day of February in each year, the one-half of the compensation for services hereinbefore named, rendered for the Government by said Central Pacific Railroad Company, not applied in liquidation of interest;

And, in addition thereto, the said company shall, on said day in each year, pay into the Treasury, to the credit of said sinking-fund, the sum of one million two hundred thousand dollars, or so much thereof as shall be necessary to make the five per centum of the net earnings of its said road payable to the United States under said act of eighteen hundred and sixty-two, and the whole sum earned by it as compensation for services rendered for the United States, together with the sum by this section required to be paid, amount in the aggregate to twenty-five per centum of the whole net earnings of said railroad-company, ascertained and defined as hereinbefore provided, for the year ending on the thirty-first day of December next preceding.

That there shall be carried to the credit of the said fund, on the first day of February in each year, the one-half of the compensation for services hereinbefore named, rendered for the Government by said Union Pacific Railroad Company, not applied in liquidation of interest;

And, in addition thereto, the said company shall, on said day in each year, pay into the Treasury, to the credit of said sinking-fund, the sum of eight hundred and fifty thousand dollars, or so much thereof as shall be necessary to make the five per centum of the net earnings of its said road payable to the United States under said act of eighteen hundred and sixty-two, and the whole sum earned by it as compensation for services rendered for the United States, together with the sum by this section required to be paid, amount in the aggregate to twenty-five per centum of the whole net earnings of said railroad company, ascertained and defined as hereinbefore provided, for the year ending on the thirty-first day of December next preceding.

Secretary of Treasury to remit into sinking-fund percentage on net earnings.

SEC. 5. That whenever it shall be made satisfactorily to appear to the Secretary of the Treasury, by either of said companies, that seventy-five per centum of its net earnings as hereinbefore defined, for any current year are or were insufficient to pay the interest for such year upon the obligations of such company, in respect of which obligations there may exist a lien paramount to that of the United States, and that such interest has been paid out of such net earnings, said Secretary is hereby authorized, and it is made his duty, to remit for such current year so much of the twenty-five per centum of net earnings required to be paid into the sinking-fund, as aforesaid, as may have been thus applied and used in the payment of interest as aforesaid.

No dividend to be voted, &c., in case of default.

SEC. 6. That no dividend shall be voted, made, or paid for or to any stockholder or stockholders in either of said companies respectively at any time when the said company shall be in default in respect of the payment either of the sums required as aforesaid to be paid into said sinking-fund, or in respect of the payment of the said five per centum of the net earnings, or in respect of interest upon any debt the lien of which, or of the debt on which it may accrue, is paramount to that of the United States;

Liabilities of officers, &c., to repay dividends illegally made.

And any officer or person who shall vote, declare, make, or pay, and any stockholder of any of said companies who shall receive any such dividend contrary to the provisions of this act, shall be liable to the United States for the amount thereof, which, when recovered, shall be paid into said sinking-fund.

And every such officer, person, or stockholder who shall knowingly vote, declare, make, or pay any such dividend, contrary to the provisions of this act, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine not exceeding ten thousand dollars, and by imprisonment not exceeding one year.

Penalty on officers, &c., for voting, &c., to pay illegal dividends.

SEC. 7. That the said sinking-fund so established and accumulated shall, at the maturity of said bonds so respectively issued by the United States, be applied to the payment and satisfaction thereof, according to the interest and proportion of each of said companies in said fund, and of all interest paid by the United States thereon, and not reimbursed, subject to the provisions of the next section.

Application of sinking-fund.

SEC. 8. That said sinking-fund so established and accumulated shall, according to the interest and proportion of said companies respectively therein, be held for the protection, security, and benefit of the lawful and just holders of any mortgage or lien debts of such companies respectively, lawfully paramount to the rights of the United States, and for the claims of other creditors, if any, lawfully chargeable upon the funds so required to be paid into said sinking-fund, according to their respective lawful priorities, as well as for the United States, according to the principles of equity, to the end that all persons having any claim upon said sinking-fund may be entitled thereto in due order;

Priorities in application of sinking-fund.

But the provisions of this section shall not operate or be held to impair any existing legal right, except in the manner in this act provided, of any mortgage, lien, or other creditor of any of said companies respectively, nor to excuse any of said companies respectively from the duty of discharging, out of other funds, its debts to any creditor except the United States.

SEC. 9. That all sums due to the United States from any of said companies respectively, whether payable presently or not, and all sums required to be paid to the United States or into the Treasury, or into said sinking-fund under this act, or under the acts hereinbefore referred to, or otherwise, are hereby declared to be a lien upon all the property, estate, rights, and franchises of every description granted or conveyed by the United States to any of said companies respectively or jointly, and also upon all the estate and property, real, personal, and mixed, assets, and income of the said several railroad companies respectively, from whatever source derived, subject to any lawfully prior and paramount mortgage, lien, or claim thereon.

Liabilities to United States constitute lien on property of companies.

But this section shall not be construed to prevent said companies respectively from using and disposing of any of their property or assets in the ordinary, proper and lawful course of their current business, in good faith and for valuable consideration.

Companies not prevented from disposal of property in ordinary manner.

SEC. 10. That it is hereby made the duty of the Attorney-General of the United States to enforce, by proper proceeding against the said several railroad companies respectively or jointly, or against either of them, and others, all the rights of the United States under this act and under the acts hereinbefore mentioned, and under any other act of Congress or right of the United States;

Enforcement of rights of United States.

And in any suit or proceeding already commenced, or that may be hereafter commenced, against any of said companies, either alone or with other parties, in respect of matters arising under this act, or under the acts or rights hereinbefore mentioned or referred to, it shall be the duty of the court to determine the very right of the matter without regard to matters of form, joinder of parties, multifariousness, or other matters not affecting the substantial rights and duties arising out of the matters and acts hereinbefore stated and referred to.

SEC. 11. That if either of said railroad companies shall fail to perform all and singular the requirements of this act and of the acts hereinbefore mentioned, and of any other act relating to said company, to be by it performed, for the period of six months next after such performance may be due, such failure shall operate as a for-

Forfeiture of franchises on failure to comply with this act.

1878, June 13, ch. 316, post. p. 194.

feiture of all the rights, privileges, grants, and franchises derived or obtained by it from the United States;

And it shall be the duty of the Attorney-General to cause such forfeiture to be judicially enforced.

This and former acts subject to alteration, &c.

1887, March 3, ch. 345, § 4, post, p. 557, 1888, Aug. 7, ch. 772, post, p. 602.

Existing remedies not affected.

This act deemed as amending former acts.

1862, ch. 120 (12 Stat. L., 489). 1864, ch. 216 (13 Stat. L., 356),

SEC. 12. That nothing in this act shall be construed or taken in any wise to affect or impair the right of Congress at any time hereafter further to alter, amend, or repeal the said acts hereinbefore mentioned; and this act shall be subject to alteration, amendment, or repeal, as, in the opinion of Congress, justice or the public welfare may require.

And nothing herein contained shall be held to deny, exclude, or impair any right or remedy in the premises now existing in favor of the United States.

SEC. 13. That each and every of the provisions in this act contained shall severally and respectively be deemed, taken, and held as in alteration and amendment of said act of eighteen hundred and sixty-two and of said act of eighteen hundred and sixty-four respectively, and of both said acts. [May 7, 1878.]

May 16, 1878.

20 Stat. L., 61.

Arms to be issued to Territories without limit of former law.

R. S., § 1667. 1876, July 3, Res. No. 13, and note, ante, p. 124. 1877, March 3, Res. No. 7, post, p. 148.

CHAP. 106.—An act to amend a joint resolution authorizing the Secretary of War to Issue arms, approved July third, eighteen hundred and seventy-six.

Be it enacted, &c., That a joint resolution, approved July third, eighteen hundred and seventy-six, entitled "Joint resolution authorizing the Secretary of War to issue arms", be amended as follows, by inserting in the fifth line, after the word "States" and before the word "each," the words "and Territories", and by striking out after the word "each" in said fifth line, and before the word "provided" in the sixth line, the words "and not more than five hundred to each of said Territories":

Provided, That the quota to the States now authorized by law shall not hereby be diminished. [May 16, 1878.]

May 17, 1878.

20 Stat. L., 61.

Mail-lettings for star service, how to be advertised.

R. S., §§ 3826-3828, 3941. 1876, Aug. 11, ch. 260, ante, p. 116. 1881, March 1, ch. 96, par. 2, post, p. 319.

CHAP. 107.—An act to regulate the advertising of mail lettings, and for other purposes.

Be it enacted, &c., That before making any contract for inland mail transportation, other than by railroads and steamboats, except for temporary service, as provided for in an act approved August eleventh, eighteen hundred and seventy-six, amendatory of sub-sections two hundred and forty-six and two hundred and fifty-one of section twelve of an act approved June twenty-third, eighteen hundred and seventy-four, the Postmaster-General shall cause to be published, in not exceeding ten newspapers published in the State or Territory in which such service is to be let, one of which shall be published at the seat of government of such State or Territory, once a week, for six consecutive weeks, preceding the time of letting, a notice in displayed type, not to exceed six inches of space in one column of a newspaper of the following purport:

MAIL LETTINGS.—NOTICE TO CONTRACTORS.

POST OFFICE DEPARTMENT, Washington, D. C., ———, 18—.

Proposals will be received at the Contract Office of this Department until —, a. m. of ———, —, 18—, for carrying the mails of the United States, upon the routes, and according to the schedule of arrival and departure specified by the Department, in the State (or Territory) of ———, from — 18—, to — 18—. Lists of routes, with schedules of arrivals and departures, instructions to bidders, with forms for contracts and bonds and all other necessary information will be furnished upon application to the Second Assistant Postmaster-General.

Postmaster-General.

and no other advertisement of miscellaneous lettings shall be required:

Provided, That said contracts for mail letting shall not take place in less than sixty days after the first publication.

SEC. 2. Hereafter no sub-letting or transfer of any mail contracts shall be permitted without the consent in writing of the Postmaster-General;

And whenever it shall come to the knowledge of the Postmaster-General that any contractor has sub let or transferred his contract, except with the consent of the Postmaster-General as aforesaid, the same shall be considered as violated and the service may be again advertised as herein provided for; and the contractor and his securities shall be liable on their bond to the United States for any damage resulting to the United States in the premises.

SEC. 3. Hereafter, when any person or persons being under contract with the Government of the United States for carrying the mails, shall lawfully sub-let any such contract, or lawfully employ any other person or persons to perform the service by such contractor agreed to be performed, or any part thereof, he or they shall file in the office of the Second Assistant Postmaster-General a copy of his or their contract;

And thereupon it shall be the duty of the Second Assistant Postmaster-General to notify the Auditor of the Treasury for the Post Office Department of the fact of the filing in his office of such contract.

Said notice shall embrace the name or names of the original contractor or contractors, the number of the route or routes, the name or names of the sub-contractor or sub-contractors, and the amount agreed to be paid to the sub-contractor or sub-contractors.

And upon the receipt of said notice by the Auditor of the Treasury for the Post Office Department, it shall be his duty to retain, out of the amount due the original contractor or contractors, the amount stated in said notice as agreed to be paid to the sub-contractor or sub-contractors, and shall pay said amount, upon the certificate of the Second Assistant Postmaster General, to the sub contractor or sub-contractors, under the same rules and regulations now governing the payments made to original contractors:

Provided, That upon satisfactory evidence that the original contractor or contractors have paid off and discharged the amount due under his or their contract to the sub-contractor or sub-contractors, it shall be the duty of the Second Assistant Postmaster General to certify such fact to the Auditor of the Treasury for the Post Office Department;

And thereupon said Auditor shall settle with the original contractor or contractors, under the same rules as are now provided by law for such settlements.

SEC. 4. [*Superseded, 1878, June 20, ch. 359, pars. 5, 6, post, p. 202.*]

SEC. 5. When from any cause it may become necessary to make a new contract for carrying the mails upon any water route between the ports of the United States, upon which mail service has previously been performed, the Postmaster-General may contract with the owner or master of any steamship, steamboat or other vessel plying upon the waters or between ports of the United States, for carrying the mail upon said route for any length of time not exceeding four years and without advertising for proposals therefor whenever the public interest and convenience will thereby be promoted;

But the price paid for such service shall in no case be greater than the average price paid under the last preceding or then existing regular contract upon the same route.

And the Postmaster-General may contract with the owners or masters of steamships steamboats or other vessels plying upon the waters or between ports of the United States for carrying the mails

Contracts not to be made until 60 days after publication.

Sub-letting without consent of Postmaster-General prohibited.

R. S., § 3963.

1882, May 4, ch. 116, par. 1, *post*, p. 338.

16 Opins., 61.

In case of lawful sub-lettings, &c., copy of contract to be filed and notice given to Sixth Auditor.

R. S., § 3963.

16 Opin., 61, 280.

— notice what to contain.

Sub-contractors to be paid on certificate of Second Assistant Postmaster-General.

— unless they have been paid by contractors.

Contracts for carrying mails on water-routes between United States ports; how made.

—when may be made without advertisements.

upon such routes where no mail service has previously been performed, without advertising for proposals therefor; but no contract for such new service shall be for a longer time than one year.

Contracts for carrying mails between U. S. and foreign ports not to be for more than two years.

R. S., §§ 3943, 3956, 3970.
Repeal.

No contract for carrying the mails between the United States and any foreign port shall be for a longer time than (1) two years, unless otherwise directed by Congress.

So much of sections thirty-nine hundred and forty-three, thirty-nine hundred and fifty-six, and thirty-nine hundred and seventy of the Revised Statutes as is in conflict with the preceding sections is hereby repealed.

SEC. 6. All laws or parts of laws inconsistent with this act are hereby repealed. [May 17, 1878.]

NOTE.—(1) By 1891, March 3, ch. 519, *post*, p. 906, contracts for not less than five nor more than ten years may be made with American citizens for carrying the foreign mails on American steamships under the conditions expressed in that act.

May 28, 1878.

20 Stat. L., 87.

CHAP. 145.—An act to authorize the Commissioners of the District of Columbia to refund certain taxes erroneously collected, and for other purposes.

District of Columbia.

Special improvement assessments may be corrected, &c.

R. S. of D. C., § 151.

1889, Feb. 12, ch. 133; 1890, June 2, ch. 389; *post*, pp. 642, 743.

Be it enacted, &c., That the Commissioners of the District of Columbia be, and they are hereby, authorized and empowered to refund to any persons who have heretofore been erroneously assessed for special improvement taxes on property not belonging to them, such moneys as they shall be found to have paid as taxes upon such erroneous assessment; and the said Commissioners are empowered to correct any assessment so found to have been made, and collect the tax from the rightful owners of the property. [May 28, 1878.]

May 31, 1878.

20 Stat. L., 87.

CHAP. 146.—An act to forbid the further retirement of United States legal-tender notes. (1)

Further reduction of amount of issue of U.S. legal-tender notes prohibited.

R. S., § 3582.
1874, June 20, ch. 343, § 6; 1875, Jan. 14, ch. 15, § 3; *ante*, pp. 28, 58.

110 U. S., 421.

Be it enacted, &c., That from and after the passage of this act it shall not be lawful for the Secretary of the Treasury or other officer under him to cancel or retire any more of the United States legal-tender notes. And when any of said notes may be redeemed or be received into the Treasury under any law from any source whatever and shall belong to the United States, they shall not be retired cancelled or destroyed but they shall be re-issued and paid out again and kept in circulation:

Provided, That nothing herein shall prohibit the cancellation and destruction of mutilated notes and the issue of other notes of like denomination in their stead, as now provided by law.

All acts and parts of acts in conflict herewith are hereby repealed. [May 31, 1878.]

NOTE.—(1) At the time of the passage of this act, the amount of legal-tender notes outstanding was \$26,681,016, as it still remains.

June 3, 1878.

20 Stat. L., 88.

CHAP. 150.—An act authorizing the citizens of Colorado, Nevada and the Territories to fell and remove timber on the public domain for mining and domestic purposes.

Timber, &c., may be cut from mineral lands for building, agricultural, mining, and domestic purposes.

R. S., §§ 2318-2352, 2461.

1878, April 30, ch. 7C, par. 2, *ante*, p. 159.

Be it enacted, &c., That all citizens of the United States and other persons, bona fide residents of the State of Colorado, or Nevada, or either of the Territories of New Mexico, Arizona, Utah, Wyoming, Dakota, Idaho, or Montana, and all other mineral districts of the United States, shall be, and are hereby, authorized and permitted to fell and remove, for building, agricultural, mining, or other domestic purposes, any timber or other trees growing or being on the public lands, said lands being mineral, and not subject to entry under existing laws of the United States, except for mineral entry, in either of said States, Territories, or districts of which such citizens or persons may be at the time bona fide residents, subject to such rules and regulations as the

Secretary of the Interior may prescribe for the protection of the timber and of the undergrowth growing upon such lands, and for other purposes:

Provided, the provisions of this act shall not extend to railroad corporations.

SEC. 2. That it shall be the duty of the register and the receiver of any local land-office in whose district any mineral land may be situated to ascertain from time to time whether any timber is being cut or used upon any such lands, except for the purposes authorized by this act, within their respective land districts; and, if so, they shall immediately notify the Commissioner of the General Land Office of that fact;

And all necessary expenses incurred in making such proper examinations shall be paid and allowed such register and receiver in making up their next quarterly accounts.

SEC. 3. Any person or persons who shall violate the provisions of this act, or any rules and regulations in pursuance thereof made by the Secretary of the Interior, shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined in any sum not exceeding five hundred dollars, and to which may be added imprisonment for any term not exceeding six months. [June 3, 1878.]

CHAP. 151.—An act for the sale of timber lands in the States of California, Oregon, Nevada, and in Washington Territory.

Be it enacted, &c., That surveyed public lands of the United States within the States of California, Oregon and Nevada and in Washington Territory, not included within military, Indian, or other reservations of the United States, valuable chiefly for timber, but unfit for cultivation, and which have not been offered at public sale according to law, may be sold to citizens of the United States, or persons who have declared their intention to become such, in quantities not exceeding one hundred and sixty acres to any one person or association of persons, at the minimum price of two dollars and fifty cents per acre; and lands valuable chiefly for stone may be sold on the same terms as timber lands:

Provided, That nothing herein contained shall defeat or impair any bona-fide claim under any law of the United States, or authorize the sale of any mining claim, or the improvements of any bona-fide settler, or lands containing gold, silver, cinnabar, copper, or coal, or lands selected by the said States under any law of the United States donating lands for internal improvements, education, or other purposes:

And provided further, That none of the rights conferred by the act approved July twenty-sixth, eighteen hundred and sixty-six, entitled "An act granting the right of way to ditch and canal owners over the public lands, and for other purposes", shall be abrogated by this act; and all patents granted 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 and by the provisions of said act; and such rights shall be expressly reserved in any patent issued under this act.

SEC. 2. That any person desiring to avail himself of the provisions of this act shall file with the register of the proper district a written statement in duplicate, one of which is to be transmitted to the General Land Office, designating by legal subdivisions the particular tract of land he desires to purchase, setting forth that the same is unfit for cultivation, and valuable chiefly for its timber or stone; that it is uninhabited; contains no mining or other improvements, except for ditch or canal purposes, where any such do exist, save such as were made by or belong to the applicant, nor, as deponent verily believes, any

1875, June 3, ch. 151, §§ 4, 5, *post*, pp. 168, 169.

1891, March 3, ch. 559, *post*, p. 939. 21 Fed. Rep., 285.

Registers and receivers to ascertain and notify Commissioner when timber is cut for unauthorized purposes.

Penalty for violation of act.

June 3, 1878.

20 Stat. L., 89.

Timber lands in California, Oregon, Nevada, and Washington Territory to be sold.

18 Fed. Rep., 477.

21 Fed. Rep., 285.

43 Fed. Rep., 631.

Claims under existing laws not impaired.

Certain existing rights not impaired.

R. S., §§ 2338, 2339, 2341-2343, 2477.

96 U. S., 165.

Application for purchase; what to set forth.

valuable deposit of gold, silver, cinnabar, copper, or coal; that deponent has made no other application under this act; that he does not apply to purchase the same on speculation, but in good faith to appropriate it to his own exclusive use and benefit; and that he has not, directly or indirectly, made any agreement or contract, in any way or manner, with any person or persons 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; which statement must be verified by the oath of the applicant before the register or the receiver of the land-office within the district where the land is situated;

Penalty for false swearing, &c.

And if any person taking such oath shall swear falsely in the premises, he shall be subject to all the pains and penalties of perjury, and shall forfeit the money which he may have paid for said lands, 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, shall be null and void.

Publication of application.

SEC. 3. That upon the filing of said statement, as provided in the second section of this act, the register of the land office, shall post a notice of such application, embracing a description of the land by legal subdivisions, in his office, for a period of sixty days, and shall furnish the applicant a copy of the same for publication, at the expense of such applicant, in a newspaper published nearest the location of the premises, for a like period of time;

Facts to be proved.

And after the expiration of said sixty days, if no adverse claim shall have been filed, the person desiring to purchase shall furnish to the register of the land-office satisfactory evidence, first, that said notice of the application prepared by the register as aforesaid was duly published in a newspaper as herein required; secondly, that the land is of the character contemplated in this act, unoccupied and without improvements, other than those excepted, either mining or agricultural, and that it apparently contains no valuable deposits of gold, silver, cinnabar, copper, or coal;

Entry and patent.

R. S., § 2338.
pars. 9, 11.
R. S., § 2394.

And upon payment to the proper officer of the purchase-money of said land, together with the fees of the register and the receiver, as provided for in case of mining claims in the (1) twelfth section of the act approved May tenth, eighteen hundred and seventy-two, the applicant may be permitted to enter said tract, and, on the transmission to the General Land Office of the papers and testimony in the case, a patent shall issue thereon:

Objection to patent.

Provided, That any person having a valid claim to any portion of the land may object, in writing, to the issuance of a patent to lands so held by him, stating the nature of his claim thereto; and evidence shall be taken, and the merits of said objection shall be determined by the officers of the land-office, subject to appeal, as in other land cases.

Regulations.

Effect shall be given to the foregoing provisions of this act by regulations to be prescribed by the Commissioner of the General Land Office.

Penalty for unlawfully cutting timber on public lands in said States, &c., and for transporting same.

16 Opins., 189.
11 Fed. Rep., 449.
12 Fed. Rep., 589
30 Fed. Rep., 30.

SEC. 4. That after the passage of this act it shall be unlawful to cut, or cause or procure to be cut, or wantonly destroy, any timber growing on any lands of the United States, in said States and Territory or remove, or cause to be removed, any timber from said public lands, with intent to export or dispose of the same; and no owner, master, or consignee of any vessel, or owner, director, or agent of any railroad, shall knowingly transport the same, or any lumber manufactured therefrom; and any person violating the provisions of this section shall be guilty of a misdemeanor, and, on conviction, shall be fined for every such offense a sum not less than one hundred nor more than one thousand dollars:

NOTE.—(1) Section 12 of the act of 1872, ch. 152 (17 Stat. L., 95), here referred to, is incorporated into the Revised Statutes in the sections noted in the margin.

Provided, That nothing herein contained shall prevent any miner or agriculturist from clearing his land in the ordinary working of his mining claim, or preparing his farm for tillage, or from taking the timber necessary to support his improvements, or the taking of timber for the use of the United States; and the penalties herein provided shall not take effect until ninety days after the passage of this act.

SEC. 5. That any person prosecuted in said States and Territory for violating section two thousand four hundred and sixty-one of the Revised Statutes of the United States who is not prosecuted for cutting timber for export from the United States, may be relieved from further prosecution and liability therefor upon payment, into the court wherein said action is pending, of the sum of two dollars and fifty cents per acre for all lands on which he shall have cut or caused to be cut timber, or removed or caused to be removed the same:

Provided, That nothing contained in this section shall be construed as granting to the person hereby relieved the title to said lands for said payment; but he shall have the right to purchase the same upon the same terms and conditions as other persons, as provided hereinbefore in this act:

And further provided, That all moneys collected under this act shall be covered into the Treasury of the United States. And section four thousand seven hundred and fifty-one of the Revised Statutes is hereby repealed, so far as it relates to the States and Territory herein named.

SEC. 6. That all acts and parts of acts inconsistent with the provisions of this act are hereby repealed. [June 3, 1878.]

—not to apply in certain cases.

1878, April 30, ch. 76; June 3 ch. 150, § 1; *ante*, pp. 159, 166.

1891, March 3, ch. 559, *post*, p. 939.

Persons prosecuted for cutting timber not for export may be relieved.

R. S., § 2461.
1878, April 30, ch. 76, *ante*, p. 159.
16 Opins., 189.
11 Fed. Rep., 488.

Money collected to be covered into Treasury. Modifying R. S., § 4751.
1878, April 30, ch. 76, par. 1, *ante*, p. 159.

Repeal.

CHAP. 152.—An act to provide for the publication of notices of contest under the homestead, pre-emption, and tree-culture laws of the United States.

June 3, 1878.

20 Stat. L., 91.

Be it enacted, &c., That the notices of contest now provided by law under the homestead, (1) pre-emption and tree-culture laws of the United States shall, after the passage of this act, be printed in some newspaper printed in the county where the land in contest lies; and if no newspaper be printed in such county, then in the newspaper printed in the county nearest to such land. [June 3, 1878.]

Notices of contest under homestead, pre-emption, and tree-culture laws; how published;

R. S., §§ 2259, 2269, 2464.

NOTE.—(1) The pre-emption and timber-culture laws are repealed by 1891, March 3, ch. 561, §§ 1, 4, *post*, p. 561.

CHAP. 154.—An act to alter and amend a law of the District of Columbia relative to the inspection of flour.(1)

June 4, 1878.

20 Stat. L., 91.

Be it enacted, &c., That section six of an act of the legislative assembly of the District of Columbia, approved August twenty-first eighteen hundred and seventy one, entitled "An act relating to inspection of flour" be, and the same is hereby, amended so as read:

District of Columbia.

Inspection of flour manufactured in.

"That all and every barrel and half-barrel of flour manufactured in the District, or brought to the same for sale, shall be subject to the examination of the inspector, by boring, searching, and trying it through with an instrument not exceeding five-eighths of an inch in diameter, to be provided by the inspector for that purpose, who shall afterwards plug up the hole with a round plug made of soft wood, so as to prevent the entrance of water, and if the inspector shall judge the same to be merchantable according to the direction of this act, he shall, at the time of inspecting, mark or brand on the head or quarter of every barrel and half-barrel of flour, in letters

one-half inch in length, the word "Georgetown", if inspected in Georgetown, and "Washington," if inspected in Washington, together with the word or words designating the degree of fineness which he shall, at the time of inspection, determine said flour entitled to, with the exception of the degree of superfine, which he shall mark or brand over the quarter; and the several degrees in quality shall be distinguished as follows: Family, Extra, Superfine, Fine, and First Middlings.

Pay of inspector. And for the inspection of which the said inspector shall have and receive of the owner or agent of said flour, for each and every barrel and half-barrel, one cent and one drawing of flour for all inspected in Washington or Georgetown;

Unmerchantable flour to be branded, &c. And every barrel or half-barrel of flour which shall prove, on examination thereof to be unmerchantable, according to the true intent and meaning of this act, the said inspector shall mark on the head or quarter with a broad arrow.

Penalty for selling in violation of act. And no barrel or half-barrel of flour, not examined and branded by the inspector as aforesaid, shall be sold within the District, under penalty of one dollar for each and every barrel or half-barrel, to be paid by the person or persons so offending. [June 4, 1878.]

NOTE.—(1) For act to prevent food adulterations in District of Columbia, see 1888, Oct. 12, ch. 1090, post, p. 627.

June 7, 1878.

CHAP. 160.—An act to repeal the bankrupt law.

20 Stat. L., 99.
Bankrupt law repealed.
R. S., §§ 4972-5132.
1874, June 22, ch. 390 (18 Stat. L., 178).

Be it enacted, &c., That the bankrupt law approved March second, eighteen hundred and sixty-seven, title sixty-one, Revised Statutes, and an act entitled "An act to amend and supplement an act entitled An act to establish a uniform system of bankruptcy throughout the United States, approved March second, eighteen hundred and sixty-seven, and for other purposes, approved June twenty-second, eighteen hundred and seventy-four", and all acts in amendment or supplementary thereto or in explanation thereof, be, and the same are hereby, repealed:

Pending cases not affected.

Provided, however, That such repeal shall in no manner invalidate or affect any case in bankruptcy instituted and pending in any court prior to the day when this act shall take effect; but as to all such pending cases and all future proceedings therein, and in respect of all pains, penalties, and forfeitures which shall have been incurred under any of said acts prior to the day when this act takes effect, or which may be thereafter incurred, under any of those provisions of any of said acts which, for the purposes named in this act, are kept in force, and all penal actions and criminal proceedings for a violation of any of said acts, whether then pending or thereafter instituted, and in respect of all rights of debtors and creditors (except the right of commencing original proceedings in bankruptcy), and all rights of, and suits by, or against assignees, under any, or all of said acts, in any matter or case which shall have arisen prior to the day when this act takes effect (which shall be on the first day of September, anno Domini eighteen hundred and seventy-eight), or in any matter or case which shall arise after this act takes effect, in respect of any matter of bankruptcy authorized by this act to be proceeded with after said last-named day, the acts hereby repealed shall continue in full force and effect until the same shall be fully disposed of, in the same manner as if said acts had not been repealed. [June 7, 1878.]

Act takes effect Sept. 1, 1878.

CHAP. 162.—An act regulating the appointment of justices of the peace, commissioners of deeds, and constables within and for the District of Columbia, and for other purposes.

June 7, 1878.

20 Stat. L., 100.

Be it enacted, &c., That the President of the United States shall nominate and, by and with the advice and consent of the Senate, appoint fifteen justices of the peace within and for the District of Columbia. Said justices of the peace shall be assigned as follows: two in the city of Georgetown, one in Tennallytown, one in Brightwood, one in Uniontown, and ten in the city of Washington. Their term of office shall be four years, subject to removal for cause.

District Colum-
bia.President to ap-
point fifteen jus-
tices of peace in.R. S. of D. C., §§
994-1034.

They shall respectively have the jurisdiction, exercise the powers and functions, and perform the duties as now provided by law for said officers respectively. Said justices of the peace, shall be the successors of the justices of the peace who now hold office in said District, and shall proceed in and close up all such unfinished business of their predecessors as may be brought to their attention by any party in interest, who shall present a transcript of the same, as hereinafter provided.

Their jurisdic-
tion.

And in like manner they shall proceed in and close up all unfinished business of any predecessor in office appointed under this act.

Upon resignation or the expiration of the term of office, they shall make, certify, and deliver transcripts of any proceeding on their docket to any party in interest, or shall deliver said docket, together with all papers in all unfinished business, to their successors in office, at their option, and account for all moneys in their hands.

Disposition of
records, &c., on
termination of of-
fice, &c.

Upon the death or removal of any justice of the peace appointed under this act, his docket, books, and papers of office shall be delivered to his immediate successor in office.

6 Mackey, 47.

SEC. 2. The terms of office of all justices of the peace, now in office within and for the District of Columbia shall end on the thirtieth day after the approval of this act.

Justices in office
at time of passage
of this act.

They shall issue no process returnable on or after that day, and shall deposit their docket, books, papers, and records pertaining to their office in the office of the clerk of the supreme court of the District of Columbia, who shall, on demand of the parties in interest, deliver to them transcripts, duly certified, together with all papers left or filed with them by said parties in said case or proceeding.

SEC. 3. The supreme court of the District shall have authority to appoint not exceeding twenty constables, who shall hold office for four years, subject to be removed by said court for cause, upon hearing. And said constables shall be the successors of the constables now holding office in the said District.

Supreme court
of District may ap-
point twenty con-
stables.R. S., of D. C.,
§§ 1035-1040.

The term of office of all constables now in office in said District shall end on the thirtieth day after the approval hereof, and they shall, on or before said day, return all process which may be held by them duly executed (except as hereinafter provided), and pay over to the proper parties all moneys in their hands;

All constables may duly execute and return all writs and processes in their hand at the time of such expiration of their term of office.

SEC. 4. The supreme court of the District of Columbia shall have the power to fix the amount and form of the bonds, and approve the same, to be given by said justices of the peace and constables, and make such further regulations as may be necessary to complete the transfer of the existing business from the present justices of the peace to those appointed under this act, and for the return of any writ, execution, or other process by the present justices of the peace to those appointed under this act, and may remove constables from office for willful violation of law, or for misconduct, or for incompetency.

— to fix and ap-
prove bonds of
justices of peace
and constables,
and may remove
constables, &c.1877, Jan. 16,
ch. 22 and note,
ante, p. 127.

SEC. 5. The President of the United States is hereby authorized to appoint as many commissioners of deeds throughout the United States as he may deem necessary, with powers to take the acknowledgment of deeds for the conveyance of property within the said District,

President may
appoint commis-
sioners of deeds in
States, &c.

administer oaths, and take depositions in cases pending in the courts of said District in the manner prescribed by law; to whose acts, properly attested by their hands and seals of office, full faith and credit shall be given.

President may appoint notaries public in District.

R. S., of D. C., §§ 62, 979-992.

1890, Aug. 29, ch. 820, § 1, *post*, p. 791.

Terms of office of commissioners and notaries.

Repeal.

The President shall also have power to appoint such number of notaries public, residents of said District, as in his discretion the business of the District may require;

Said commissioners of deeds and notaries public to hold their offices for the period of five years, removable at discretion.

SEC. 6. All laws and parts of laws inconsistent with any of the provisions of this act be, and the same are hereby repealed. [June 7, 1878.]

June 8, 1878.

20 Stat. L., 101.

CHAP. 168.—An act explanatory of section eighteen hundred and eighty-nine of the Revised Statutes of the United States, and to ratify and confirm certain Territorial legislation, and for other purposes.

Territories not prohibited from creating towns, cities, and municipal corporations.

R. S., § 1889.

1886, July 30, ch. 818, § 5, *post*, p. 504.

Acts confirmed.

Be it enacted, &c., That the words "the legislative assemblies of the several Territories shall not grant private charters or especial privileges" in (1) section eighteen hundred and eighty-nine of the Revised Statutes of the United States shall not be construed as prohibiting the legislative assemblies of the several Territories of the United States from creating towns, cities, or other municipal corporations, and providing for the government of the same, and conferring upon them the corporate powers and privileges, necessary to their local administration, by either general or special acts;

And that all general and special acts of such legislative assemblies heretofore passed creating and providing for the government of towns, cities, or other municipal corporations, and conferring such rights, powers and privileges upon the same, as were necessary to their local administration, be, and the same are hereby, ratified and confirmed and declared to be valid, any law to the contrary, notwithstanding, subject, however, to amendment or repeal hereafter by such Territorial assemblies.

Private rights, &c.; how affected.

But nothing herein shall have the effect to create any private right, except that of holding and executing municipal offices, or to divest any such right, or to make valid or invalid any contract or obligation heretofore made by or on behalf of any such town, city or other municipal corporation, or to authorize any such corporation to incur hereafter any debt or obligation other than such as shall be necessary to the administration of its internal affairs. [June 8, 1878.]

NOTE.—(1) A substitute for R. S., § 1889, was enacted, 1885, March 3, ch. 330 (23 Stat. L., 348), and a later substitute by the act of 1886, noted in the margin.

June 8, 1878.

20 Stat. L., 101.

Court in Ohio; at Toledo.

R. S., §§ 572, 658.

1882, July 27, ch. 351, *post*, p. 361.

One grand and one petit jury for both courts.

Repeal.

Northern district divided into—
R. S., § 544.

CHAP. 169.—An act to provide for circuit and district courts of the United States at Toledo Ohio.

Be it enacted, &c., That a term of the circuit court and district court for the northern district of Ohio shall be held at Toledo, in said State, on the first Tuesday of the months of June and December in each year;

And one grand jury and one petit jury only shall be summoned, and serve in both of said courts at each term thereof.

And the existing provisions of law fixing the times of holding the district court at Toledo are hereby repealed.

SEC. 2. Said northern district shall be, and hereby is, divided into two divisions, to be known as the eastern and the western division of the northern district of Ohio.

The western division shall consist of twenty-four counties, to wit; Williams, Defiance, Paulding, Van Wert, Mercer, Auglaize, Allen, Putnam, Henry, Fulton, Lucas, Wood, Hancock, Hardin, Logan, Union, Delaware, Marion, Wyandot, Seneca, Sandusky, Ottawa, Erie, and Huron;

And the eastern division shall consist of the remaining counties in said district.

But no additional clerk or marshal shall be appointed in said district.

SEC. 3. All suits not of a local nature in the circuit and district courts, 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.

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. 4. All offenses committed in either of the subdivisions shall be cognizable and indictable within said division.

SEC. 5. [*Relates to pending cases.*]

SEC. 6. All grand and petit jurors summoned for service in each division shall be residents of such division.

All mesne and final process, subject to the provisions hereinbefore contained, issued in either of said divisions, may be served and executed in either or both of the divisions.

SEC. 7. This act shall be in force from and after the first day of September, anno Domini eighteen hundred and seventy-eight.

All acts and parts of acts inconsistent herewith are hereby repealed. [*June 8, 1878.*]

CHAP. 170.—An act to authorize the Secretary of the Treasury to constitute Superintendents of Mints or Assayers in Assay-offices, Assistant Treasurers of the United States.

June 8, 1878.

20 Stat. L., 102.

Be it enacted, &c., That the Secretary of the Treasury be and he is hereby authorized to constitute any superintendent of mint or assayer of any assay-office, an assistant treasurer of the United States without additional compensation, to receive gold coin and bullion on deposit for the purposes provided for in section two hundred and fifty-four of the Revised Statutes. [*June 8, 1878.*]

Superintendents of mints who may receive gold and issue certificates therefor.

R. S., § 254.
1882, July 12, ch. 290, § 12, *post*, p. 356.

CHAP. 180.—An act providing a permanent form of government for the District of Columbia. (1)

June 11, 1878.

20 Stat. L., 102.
District of Columbia, to remain name of seat of government.

Be it enacted, &c., That all the territory which was ceded by the State of Maryland to the Congress of the United States for the permanent seat of the government of the United States shall continue to be designated as the District of Columbia. (2)

Said District and the property and persons that may be therein shall be subject to the following provisions for the government of the same, and also to any (3) existing laws applicable thereto not hereby repealed or inconsistent with the provisions of this act.

—subject to existing laws.
1874, June 20, ch. 337, *ante*, p. 22.

NOTE.—(1) See act creating a temporary government, 1874, June 20, ch. 337, *ante*, p. 22.

(2) The seat of government was fixed by 1790, July 16, ch. 28 (1 Stat. L., 130), and the site modified by 1791, March 3, ch. 17 (1 Stat. L., 214). The title "District of Columbia" is not used in either of these acts, but appears in 1796, May 6, ch. 21 (1 Stat. L., 461). By 1846, July 9, ch. 35 (9 Stat. L., 35), the part of the District ceded by Virginia was retroceded.

For a review of the municipal history of the District see 132 U. S., 1.

(3) The general and permanent laws of Congress relating to the District of Columbia are contained in the Revised Statutes of the United States relating to the District of Columbia and in this volume. But the "existing laws applicable thereto" are derived from many sources, including statutes of England and of Maryland, in force in Maryland when the District was ceded to the United States, the common law then in force in Maryland, the acts of the legislative assembly of the District (see R. S. of D. C., §§ 16-68), and ordinances of various municipal bodies and officers, including those of the corporations of Washington and Georgetown, the Levy Court and of the Commissioners created by this act. By 1893, March 2, ch. 302, *post*, p. 694, provision is made for a codification of the statutory law of the District, but that is not completed at the date of this publication.

—a municipal corporation.

21 C. Cls., 120, 429.

132 U. S., 1.

136 U. S., 453.

The District of Columbia shall remain and continue a municipal corporation, as provided in section two of the Revised Statutes relating to said District, and the Commissioners herein provided for shall be deemed and taken as officers of such corporation; and all laws now in force relating to the District of Columbia not inconsistent with the provisions of this act shall remain in full force and effect.

Commissioners to be appointed.

1890, Dec. 24,

Res. No. 7, *post*, p. 955.

Powers, &c.

1874, June 20, ch. 337, §§ 2, 3, *ante*, pp. 22, 23.

SEC. 2. That within twenty days after the approval of this act the President of the United States, by and with the advice and consent of the Senate, is hereby authorized to appoint two persons, who, with an officer of the Corps of Engineers of the United States Army, whose lineal rank shall be (4) above that of captain, shall be Commissioners of the District of Columbia, and who, from and after July first, eighteen hundred and seventy-eight, shall exercise all the powers and authority now vested in the Commissioners of said District, except as are hereinafter limited or provided, and shall be subject to all restrictions and limitations and duties which are now imposed upon said Commissioners. (5)

Engineer Commissioner.

1890, Dec. 24,

Res. No. 7, *post*, p. 955.

Civil Commissioners.

The Commissioner who shall be an officer detailed, from time to time, from the Corps of Engineers, by the President, for this duty, shall not be required to perform any other, nor shall he receive any other compensation than his regular pay and allowances as an officer of the Army. (6)

The two persons appointed from civil life shall, at the time of their appointment, be citizens of the United States, and shall have been actual residents of the District of Columbia for three years next before their appointment, and have, during that period, claimed residence nowhere else,

President of board.

1890, Dec. 24, Res.

No. 7, *post*, p. 955.

Oath.

And one of said three Commissioners shall be chosen president of the Board of Commissioners at their first meeting, and annually and whenever a vacancy shall occur, thereafter ;

And said Commissioners shall each of them, before entering upon the discharge of his duties, take an oath or affirmation to support the Constitution of the United States, and to faithfully discharge the duties imposed upon him by law;

Salary and bond.

And said Commissioners appointed from civil life, shall each receive for his services a compensation at the rate of five thousand dollars per annum, and shall, before entering upon the duties of the office, each give bond in the sum of fifty thousand dollars, with surety as is required by existing law.

Term of office.

16 Opins., 537.

17 Opins., 158, 476.

The official term of said Commissioners appointed from civil life shall be three years, and until their successors are appointed and qualified; but the first appointment shall be one Commissioner for one year and one for two years, and at the expiration of their respective terms their successors shall be appointed for three years.

Who shall not be sureties on bonds to District.

Neither of said Commissioners, nor any officer whatsoever of the District of Columbia, shall be accepted as surety upon any bond required to be given to the District of Columbia; nor shall any contractor be accepted as surety for any officer or other contractor in said District

Powers and property vested in Commissioners.

1874, June 20,

ch. 337, §§ 2, 3, *ante*, pp. 22, 23.

SEC. 3. That as soon as the Commissioners appointed and detailed as aforesaid shall have taken and subscribed the oath or affirmation hereinbefore required, all the powers, rights, duties, and privileges

NOTES.—(4) By 1890, Dec. 24, Res. No. 7, *post*, p. 955, to be captain or of higher grade of 15 years' service in Engineer Corps.

(5) Subsequent acts enlarging the powers of the Commissioners are as follows: Sales of coal and building regulations, 1873, June 14, ch. 194, *post*, p. 181; salaries of police and price of gas for city lamps, 1878, June 20, ch. 359, par. 3, *post*, p. 202; animals running at large, 1879, June 27, ch. 38, *post*, p. 268; one commissioner to be trustee of Reform School and one of Columbia Hospital, 1880, June 4, ch. 121, pars. 2, 3, *post*, p. 290; plumbing regulations, 1881, Jan. 25, ch. 27, *post*, p. 314; protection from fire, 1887, Jan. 26, ch. 45, *post*, p. 520; insurance companies, 1887, Jan. 26, ch. 46, *post*, p. 521; police regulations, 1887, Jan. 26, ch. 49, *post*, p. 523; steam engineering, 1887, Feb. 28, ch. 272, *post*, p. 545; elevators, 1887, Mar. 3, ch. 360, *post*, p. 567; subdivisions of land, 1888, Aug. 27, ch. 916, *post*, p. 618; street railways, 1889, March 2, ch. 370, par. 3, *post*, p. 677; pawnbrokers, 1889, Mar. 2, ch. 413, *post*, p. 699, and 1891, Mar. 3, ch. 581, *post*, p. 910; watermains, etc., 1890, June 17, ch. 428, *post*, p. 758.

(6) But by 1861, March 3, ch. 184, par. 3, *post*, p. 322, he is to receive \$5,000, including his Army pay and allowances.

lawfully exercised by, and all property, estate, and effects now vested by law in the Commissioners appointed under the provisions of the act of Congress approved June twentieth, eighteen hundred and seventy four, shall be transferred to and vested in and imposed upon said Commissioners; and the functions of the Commissioners so appointed under the act of June twentieth, eighteen hundred and seventy-four, shall cease and determine.

And the Commissioners of the District of Columbia shall have power, subject to the limitations and provisions herein contained, to apply the taxes or other revenues of said District to the payment of the current expenses thereof, to the support of the public schools, the fire department, and the police, and for that purpose shall take possession and supervision of all the offices, books, papers, records, moneys, credits, securities, assets, and accounts belonging or appertaining to the business or interests of the government of the District of Columbia, and exercise the duties, powers, and authority aforesaid;

But said Commissioners, in the exercise of such duties, powers, and authority, shall make no contract, nor incur any obligation other than such contracts and obligations as are hereinafter provided for and shall be approved by Congress.

The Commissioners shall have power to locate the places where hacks shall stand and change them as often as the public interests require. Any person violating any orders lawfully made in pursuance of this power shall be subject to a fine of not less than ten nor more than one hundred dollars, to be recovered before any justice of the peace in an action in the name of the Commissioners.

All taxes heretofore lawfully assessed and due, or to become due, shall be collected pursuant to law, except as herein otherwise provided; but said Commissioners shall have no power to anticipate taxes by a sale or hypothecation of any such taxes or evidences thereof, * * [*Part omitted is temporary.*] * *

And said Commissioners are hereby authorized to abolish any office, to consolidate two or more offices, reduce the number of employees, remove from office, and make appointments to any office under them authorized by law;

Said Commissioners shall have power to erect light, and maintain lamp-posts, with lamps, outside of the city limits, when, in their judgment, it shall be deemed proper or necessary:

* * [*Words omitted relate to pending suits and existing rights.*]

The said Commissioners shall submit to the Secretary of the Treasury for the fiscal year ending June thirtieth, eighteen hundred and seventy-nine, and annually thereafter, for his examination and approval, a statement showing in detail the work proposed to be undertaken by them during the fiscal year next ensuing, and the estimated cost thereof;

Also the cost of constructing, repairing, and maintaining all bridges authorized by law across the Potomac River within the District of Columbia, and also all other streams in said District;

The cost of maintaining all public institutions of charity, reformatories, and prisons belonging to or controlled wholly or in part by the District of Columbia, and which are now by law supported wholly or in part by the United States or District of Columbia;

And also the expenses of the Washington Aqueduct and its appurtenances;

And also an itemized statement and estimate of the amount necessary to defray the expenses of the government of the District of Columbia for the next fiscal year:

Provided, That nothing herein contained shall be construed as transferring from the United States authorities any of the public works within the District of Columbia now in the control or supervision of said authorities.

Application of revenues.

1874, June 20, ch. 337, § 2; 1875, March 1, ch. 117, *ante*, pp. 22, 69.

1878, June 30, ch. 359, par. 3, *post*, p. 202.

Hacks.

1887, January 26, ch. 49, *post*, p. 523.

Taxes not to be hypothecated.

1874, June 20, ch. 337, § 2, *ante*, p. 23.

Offices may be abolished, &c.

1874, June 20, ch. 337, § 2, *ante*, p. 23.
16 Opins., 179.

135 U. S., 240. 4 Mackey (D. C.), 572.

Lights.

1878, June 20, ch. 359, par. 2, *post*, p. 202.

Annual estimates.

1880, June 4, ch. 121, § 2, *post*, p. 190.

1881, March 3, ch. 134, par. 7, *post*, p. 322.

1889, March 1, ch. 328, § 58; March 2, ch. 411, par. 5, *post*, pp. 659, 698.

1890, Aug. 30, ch. 337, par. 4, *post*, p. 792.

1891, March 3, ch. 546, pars. 4, 6, § 2, *post*, pp. 931, 932.

R. S., §§ 1797, 1800, 1816.

Estimates to be considered and approved by Secretary of Treasury.

The Secretary of the Treasury shall carefully consider all estimates submitted to him as above provided, and shall approve, disapprove, or suggest such changes in the same, or any item thereof, as he may think the public interest demands; and after he shall have considered and passed upon such estimates submitted to him, he shall cause to be made a statement of the amount approved by him and the fund or purpose to which each item belongs, which statement shall be certified by him, and delivered, together with the estimates as originally submitted, to the Commissioners of the District of Columbia, who shall transmit the same to Congress.

Congress to appropriate fifty per cent. and remainder to be collected by taxation.

To the extent to which Congress shall approve of said estimates, Congress shall appropriate the amount of fifty per centum thereof; and the remaining fifty per centum of such approved estimates shall be levied and assessed upon the taxable property and privileges in said District other than the property of the United States and of the District of Columbia;

1879, March 3, ch. 182, § 3, par. 4, post, p. 253. 1882, Collecting, &c., of taxes to be as provided by law.

July 15, ch. 294, § 3, post, p. 258. 1889, March 2, ch. 370, § 3, post, p. 678.

R. S. of D. C., 153-189.

And all proceedings in the assessing, equalizing, and levying of said taxes, the collection thereof, the listing return and penalty for taxes in arrears, the advertising for sale and the sale of property for delinquent taxes, the redemption thereof, the proceedings to enforce the lien upon unredeemed property, and every other act and thing now required to be done in the premises, shall be done and performed at the times and in the manner now provided by law, except in so far as is otherwise provided by this act:

1877, March 3, ch. 117, ante, p. 142.

1883, March 3, ch. 137, post, p. 413.

1887, Jan. 26, ch. 41, post, p. 519.

1890, March 1, ch. 40, post, p. 709; Aug. 6, ch. 724, par. 3, post, pp. 776, 777. 1891, March 3, ch. 546, par. 2, post, p. 931.

Limit of taxation.

Provided, That the rate of taxation in any one year shall not exceed one dollar and fifty cents on every one hundred dollars of real estate not exempted by law; and on personal property not taxable elsewhere, one dollar and fifty cents on every one hundred dollars, according to the cash valuation thereof:

1877, March 3, ch. 117, § 1, ante, p. 142.

1883, March 3, ch. 137, post, p. 413.

—on agricultural lands.

And provided further, Upon real property held and used exclusively for agricultural purposes, without the limits of the cities of Washington and Georgetown, and to be so designated by the assessors in their annual returns, the rate for any one year shall not exceed one dollar on every one hundred dollars.

Tax notice.

The collector of taxes, upon the receipt of the duplicate of assessment, shall give notice for one week, in one newspaper published in the city of Washington, that he is ready to receive taxes; * * [Omitted lines repealed. 1883, March 3, ch. 137, § 15, post, p. 415.]

Regulations of payment of taxes may be made by Commissioners.

SEC. 4. That the said Commissioners may, by general regulations consistent with the act of Congress of March third, eighteen hundred and seventy-seven, entitled "An act for the support of the government of the District of Columbia for the fiscal year ending June thirtieth, eighteen hundred and seventy-eight, and for other purposes", or with other existing laws, prescribe the time or times for the payment of all taxes and the duties of assessors and collectors in relation thereto

1877, March 3, ch. 117, ante, p. 142.

1883, March 3, ch. 137, post, p. 413.

1891, March 3, ch. 546, par. 2, post, p. 931.

Taxes to be paid into U. S. Treasury. Disbursements.

All taxes collected shall be paid into the Treasury of the United States, and the same, as well as the appropriations to be made by Congress as aforesaid, shall be disbursed for the expenses of said District, on itemized vouchers, which shall have been audited and approved by the auditor of the District of Columbia, certified by said Commissioners, or a majority of them;

Accounts; how settled.

And the accounts of said Commissioners, and the tax-collectors, and all other officers required to account, shall be settled and adjusted by the accounting-officers of the Treasury Department of the United States.

17 Opins., 574.

Interest on 3.65 bonds; how paid.

Hereafter the Secretary of the Treasury shall pay the interest on the three-sixty-five bonds of the District of Columbia issued in pur-

suance of the act of Congress approved June twentieth, eighteen hundred and seventy-four, when the same shall become due and payable; and all amounts so paid shall be credited as a part of the appropriation for the year by the United States toward the expenses of the District of Columbia, as hereinbefore provided:

SEC. 5. That hereafter when any repairs of streets, avenues, alleys, or sewers within the District of Columbia are to be made, or when new pavements are to be substituted in place of those worn out, new ones laid, or new streets opened, sewers built, or any works the total cost of which shall exceed the sum of one thousand dollars, notice shall be given in one newspaper in Washington and if the total cost shall exceed five thousand dollars, then in one newspaper in each of the cities of New York, Philadelphia, and Baltimore also for one week, for proposals, with full specifications as to materials for the whole or any portion of the works proposed to be done;

And the lowest responsible proposal for the kind and character of pavement or other work which the Commissioners shall determine upon shall in all cases be accepted:

Provided, however, That the Commissioners shall have the right, in their discretion, to reject all of such proposals:

Provided, That work capable of being executed under a single contract shall not be subdivided so as to reduce the sum of money to be paid therefor to less than one thousand dollars.

All contracts for the construction, improvement, alteration, or repairs of the streets, avenues, highways, alleys, gutters, sewers, and all work of like nature shall be made and entered into only by and with the official unanimous consent of the Commissioners of the District, and all contracts shall be copied in a book kept for that purpose and be signed by the said Commissioners, and no contract involving an expenditure of more than one hundred dollars shall be valid until recorded and signed as aforesaid.

No pavement shall be accepted nor any pavement laid except that of the best material of its kind known for that purpose, laid in the most substantial manner;

And good and sufficient bonds to the United States, in a penal sum not less than the amount of the contract, with sureties to be approved by the Commissioners of the District of Columbia, shall be required from all contractors, guaranteeing that the terms of their contracts shall be strictly and faithfully performed to the satisfaction of and acceptance by said Commissioners; and that the contractors shall keep new pavements or other new works in repair for a term of five years from the date of the completion of their contracts;

And ten per centum of the cost of all new works shall be retained as an additional security and a guarantee fund to keep the same in repair for said term, which said per centum shall be invested in registered bonds of the United States or of the District of Columbia and the interest thereon paid to said contractors.

The cost of laying down said pavement, sewers, and other works, or of repairing the same, shall be paid for in the following proportions and manner, to wit:

When any street or avenue through which a street-railway runs shall be paved, such railway company shall bear all of the expense for that portion of the work lying between the exterior rails of the tracks of such roads, and for a distance of two feet from and exterior to such track or tracks on each side thereof, and of keeping the same in repair;

But the said railway companies, having conformed to the grades established by the Commissioners, may use such cobblestone or Belgian blocks for paving their tracks, or the space between their tracks, as the Commissioners may direct;

The United States shall pay one-half of the cost of all work done under the provisions of this section, except that done by the railway

1874, June 20, ch. 337, § 7, *ante*, p. 23.
1875, Feb. 20, ch. 94, *ante*, p. 64.

1879, March 3, ch. 182, § 3, par. 4, 563, *post*, p. 947.

Repairs of streets, alleys, &c., and laying of pavements, notice to be given; and proposals, how accepted.

Contracts; how entered into, &c.
1890, Dec. 24, Res. No. 7, *post*, p. 955.

Provisions as to laying pavements.

1885, Feb. 25, ch. 145, par. 3, *post*, p. 476.

1887, March 3, ch. 355, *post*, p. 559.

Cost of laying pavements, sewers, &c.; how paid.

1889, March 2, ch. 370, par. 3, *post*, p. 677.

1890, Aug. 6, ch. 724, § 3, *post*, p. 773.

companies, which payment shall be credited as part of the fifty per centum which the United States contributes toward the expenses of the District of Columbia for that year;

And all payments shall be made by the Secretary of the Treasury on the warrant or order of the Commissioners of the District of Columbia or a majority thereof, in such amounts and at such times as they may deem safe and proper in view of the progress of the work:

Railways refusing to pave.

That if any street railway company shall neglect or refuse to perform the work required by this act, said pavement shall be laid between the tracks and exterior thereto of such railway by the District of Columbia;

And if such company shall fail or refuse to pay the sum due from them in respect to the work done by or under the orders of the proper officials of said District in such case of the neglect or refusal of such railway company to perform the work required as aforesaid, the Commissioners of the District of Columbia shall issue certificates of indebtedness against the property, real or personal, of such railway company, which certificate shall bear interest at the rate of ten per centum per annum until paid, and which, until they are paid, shall remain and be a lien upon the property on or against which they are issued together with the franchise of said company;

And if the said certificates are not paid within one year, the said Commissioners of the District of Columbia may proceed to sell the property against which they are issued, or so much thereof as may be necessary to pay the amount due, such sale to be first duly advertised daily for one week in some newspaper published in the city of Washington, and to be at public auction to the highest bidder.

Railways crossing streets.

When street railways cross any street or avenue, the pavement between the tracks of such railway shall conform to the pavement used upon such street or avenue, and the companies owning these intersecting railroads shall pay for such pavements in the same manner and proportion as required of other railway companies under the provisions of this section.

Water and gas mains.

It shall be the duty of the Commissioners of the District of Columbia to see that all (?) water and gas mains, service pipes, and sewer connections are laid upon any street or avenue proposed to be paved or otherwise improved before any such pavement or other permanent works are put down;

And the Washington Gas Light Company, under the direction of said Commissioners, shall at its own expense take up, lay, and replace all gas-mains on any street or avenue to be paved, at such time and place as said Commissioners shall direct.

Assistants to Engineer Commissioner to be detailed.

1890, Dec. 24, Res. No. 7, *post*, p. 955.

Police and school boards abolished and duties transferred to Commissioners.

The President of the United States may detail from the Engineer Corps of the Army not more than two officers, of rank subordinate to that of the engineer officer belonging to the Board of Commissioners of said District to act as assistants to said Engineer Commissioner, in the discharge of the special duties imposed upon him by the provisions of this act.

SEC. 6. That from and after the first day of July, eighteen hundred and seventy-eight, the board of (8) metropolitan police and the board of school trustees shall be abolished; and all the powers and duties now exercised by them shall be transferred to the said Commissioners of the District of Columbia, who shall have authority to employ such officers and agents and to adopt such provisions as may be necessary to carry into execution the powers and duties devolved upon them by this act.

School trustees; how appointed, &c.

And the Commissioners of the District of Columbia shall from time to time appoint (9) nineteen persons, actual residents of said Dis-

NOTES.—(7) Laws relating to water-mains: R. S. of D. C., § 199; 1876, July 12, ch. 180, § 18, *ante*, p. 111; 1879, June 10, ch. 16, *post*, p. 264; 1885, Feb. 25, ch. 145, par. 8, *post*, p. 477; 1890, June 17, ch. 425, *post*, p. 752.
(8) See laws as to police as follows: R. S. of D. C., §§ 321-438; R. S., § 1819; 1876, July 31, ch. 346, par. 4, *ante*, p. 115; 1878, June 20, ch. 359, par. 2, and note, *post*, p. 202; 1879, March 8, ch. 182, § 3, par. 2, *post*, p. 253; 1882, July 1, ch. 263, § 8, *post*, p. 350; 1885, Feb. 25, ch. 145, par. 5, *post*, p. 476; 1888, July 25, ch. 584, *post*, p. 599. See also 135 U. S., 240; 4 Mackey (D. C.), 572. 1883, Jan. 31, ch. 41, *post*, p. 307.
(9) Reduced to nine by 1882, July 1, ch. 263, par. 2, *post*, p. 351.

trict of Columbia, to constitute the trustees of public schools of said District, who shall serve without compensation and for such terms as said Commissioners shall fix.

Said trustees shall have the powers and perform the duties in relation to the care and management of the public schools which are now authorized by law.

SEC. 7. That the offices of sinking-fund commissioners are hereby abolished; and all duties and powers possessed by said commissioners are transferred to, and shall be exercised by, the Treasurer of the United States, who shall perform the same in accordance with the provisions of existing laws.

130-137. 1874, June 20, ch. 337, § 7, *ante*, p. 23, ch. 134, par. 6, *post*, p. 322. 1891, March 3, ch. 563, *post*, p. 947. 16 Opins., 632.

SEC. 8. That in lieu of the board of health now authorized by law, the Commissioners of the District of Columbia shall appoint a physician as health-officer, whose duty it shall be, under the direction of the said Commissioners, to execute and enforce all laws and regulations relating to the public health and vital statistics, and to perform all such duties as may be assigned to him by said Commissioners;

And the board of health now existing shall, from the date of the appointment of said health-officer, be abolished.

SEC. 9. That there may be appointed by the Commissioners of the District of Columbia, on the recommendation of the health-officer, a reasonable number of sanitary inspectors for said District, not exceeding six, to hold such appointment at any one time, of whom two may be physicians, and one shall be a person skilled in the matters of drainage and ventilation;

And said Commissioners may remove any of the subordinates, and from time to time may prescribe the duties of each;

And said inspectors shall be respectively required to make, at least once in two weeks, a report to said health-officer in writing, of their inspections, which shall be preserved on file;

And said health-officer shall report in writing annually to said Commissioners of the District of Columbia, and so much oftener as they shall require.

SEC. 10. That the Commissioners may appoint, on the like recommendation of the health-officer, a reasonable number of clerks, but no greater number shall be appointed, and no more persons shall be employed under said health-officer, than the public interests demand and the appropriation shall justify.

SEC. 11. That the salary of the health-officer shall be three thousand dollars per annum; and the salary of the sanitary inspectors shall not exceed the sum of one thousand two hundred dollars per annum each;

And the salary of the clerk and other assistants of the health-officer shall not exceed in the aggregate the amount of seven thousand dollars, to be apportioned as the Commissioners of the District of Columbia may deem best.

SEC. 12. * * [Part omitted is temporary.] * *

And said Commissioners shall annually report their official doings in detail to Congress on or before the first Monday of December.

SEC. 13. That there shall be no increase of the present amount of the total indebtedness of the District of Columbia; and any officer or persons who shall knowingly increase, or aid or abet in increasing, such total indebtedness, except to the amount of the two hundred thousand dollars, as authorized by this act, shall be deemed guilty of a high misdemeanor, and, on conviction thereof, shall be punished by imprisonment not exceeding ten years, and by fine not exceeding ten thousand dollars.

— their powers.
R. S. of D. C.,
§§ 271-320.

U. S. Treasurer
to be sinking-fund
commissioner.

1872, ch. 142
(17 Stat. L., 86).

R. S. of D. C., §§
1881, March 3,
ch. 563, *post*, p. 947.

Health officer.
1874, June 23,
ch. 490, *ante*, p. 55.

1880, April 24,
Res. No. 25, *post*,
p. 303. 1881, Jan.

25, ch. 27, *post*,
p. 314.

Board of Health
abolished. R. S.
of D. C., § 72.

Sanitary in-
spectors.

Health officer to
report annually.

Clerks for health
officer, &c.

Salaries of health
officer, &c. R. S.
of D. C., § 73.

1878, June 20,
par. 2, *post*, p. 202.

— of clerks and
assistants.

Commissioners
to report to Con-
gress.

District debt not
to be increased.

Certain taxes on collegiate establishments, &c., to be refunded.

R. S. of D. C., § 147.

1877, March 3, ch. 117, § 8, *ante*, p. 145.

SEC. 14. That the term "school houses" in the act of June seventeenth, eighteen hundred and seventy, chapter thirty, (10) was intended to embrace all collegiate establishments actually used for educational purposes, and not for private gain; and that all taxes heretofore imposed upon such establishments, in the District of Columbia, since the date of said act are hereby remitted, and where the same or any part thereof has been paid, the sum so paid shall be refunded.

But if any portion of any said building, house, or grounds in terms excepted is used to secure a rent or income, or for any business purpose, such portion of the same, or a sum equal in value to such portion, shall be taxed.

Repeal.

SEC. 15. That all laws inconsistent with the provisions of this act be, and the same are hereby, repealed. [June 11, 1878.]

NOTE.—(10) The chapter intended to be referred to here appears to be ch. 131 instead of ch. 30. The provisions of § 1 of this act (16 Stat. L., 173), are incorporated into Revised Statutes of D. C., in § 147.

June 11, 1878.

20 Stat. L., 108.

Board of visitors to Military Academy; how paid.
R. S., § 1329.

CHAP. 181.—An act making appropriations for the support of the Military Academy for the fiscal year ending June thirtieth, eighteen hundred and seventy-nine, and for other purposes.

Be it enacted, &c. * * That hereafter the expenses allowed by section thirteen hundred and twenty-nine of the Revised Statutes shall be paid as follows: each member of the Board of Visitors shall receive not exceeding eight cents per mile for each mile traveled by the most direct route from his residence to West Point and return, and shall in addition receive five dollars per day for expenses during each day of his service at West Point. * *

Cadets appointed at large not to exceed ten.

R. S., § 1315.

SEC. 4. That the cadets at large at the Military Academy shall not hereafter exceed ten in all. * * [Part omitted has expired.] [June 11, 1878.]

June 14, 1878.

20 Stat. L., 115.

Accounts under exhausted appropriations, to be examined, &c. 1874, June 20, ch. 328, § 5, *ante*, p. 18.

1884, July 4, ch. 334, par. 2, *post*, p. 470.

CHAP. 191.—An act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June thirtieth, eighteen hundred and seventy-eight, and prior years, and for those heretofore treated as permanent, for reappropriations, and for other purposes.

Be it enacted, &c. SEC. 4. That so much of section five of the act approved June twentieth, eighteen hundred and seventy-four, as directs the Secretary of the Treasury at the beginning of each session to report to Congress with his annual estimates any balances of appropriations for specific objects affected by said section that may need to be reappropriated, be, and hereby is, repealed. And it shall be the duty of the several accounting-officers of the Treasury to continue to receive, examine, and consider the justice and validity of all claims under appropriations the balances of which have been exhausted or carried to the surplus fund under the provisions of said section that may be brought before them within a period of five years.

—found due to be reported to Congress.

R. S., § 3669.

—not to be reopened, &c.

15 Pet. 401.

19 C. Cls., 504.

20 C. Cls., 342.

And the Secretary of the Treasury shall report the amount due each claimant, at the commencement of each session, to the Speaker of the House of Representatives, who shall lay the same before Congress for consideration:

Provided, That nothing in this act shall be construed to authorize the re-examination and payment of any claim or account which has been once examined and rejected, unless reopened in accordance with existing law. [June 14, 1878.]

June 14, 1878.

20 Stat. L., 131.

Foreign relations; laws extended to Tripoli, Tunis, Morocco, Muscat, and Navigator Islands.

CHAP. 193.—An act to amend section forty-one hundred and twenty-seven of the Revised Statutes, of the United States, in relation to the judicial powers and functions of consuls.

Be it enacted, &c., That section forty-one hundred and twenty-seven of the Revised Statutes of the United States be, and the same is hereby, amended so that it shall hereafter read as follows:

SEC 4127. The provisions of this title, so far as the same are in conformity with the stipulations in the existing treaties between the

United States and Tripoli, Tunis, Morocco, Muscat, and the Samoan or Navigator Islands, respectively, shall extend to those countries, and shall be executed in conformity with the provisions of the treaties and of the provisions of this title by the consuls appointed by the United States to reside therein, who are hereby ex officio invested with the powers herein delegated to the ministers and consuls of the United States appointed to reside in the countries named in section four thousand and eighty-three, so far as the same can be exercised under the provisions of treaties between the United States and the several countries mentioned in this section, and in accordance with the usages of the countries in their intercourse with the Franks or other foreign Christian nations.

And whenever the United States shall negotiate a treaty with any foreign government, in which the American consul-general or consul shall be clothed with judicial authority, and securing the right of trial to American citizens residing therein before such consul-general or consul, and containing provisions similar to or like those contained in the treaties with the governments named in this act, then said title, so far as the same may be applicable, shall have full force in reference to said treaty, and shall extend to the country of the government negotiating the same. [June 14, 1878.]

Substitute for
R. S., § 4127.

140 U. S., 453.

Consuls therein
invested with certain
judicial powers.

R. S., §§ 4083,
4127.

Laws extended
to other countries
with which like
treaties may be
hereafter made,
&c.

1874, March 23,
ch. 62, ante, p. 6.

CHAP. 194.—An act to authorize the Commissioners of the District of Columbia to make and enforce regulations relative to the sale of coal, and also building regulations.

June 14, 1878.

20 Stat. L., 181.

Be it enacted, &c., That the Commissioners of the District of Columbia be, and they hereby are, authorized and directed to make and enforce such rules and regulations relative to the sale of coal in the District of Columbia as shall insure full weight to purchasers of coal;

District of Columbia.

Regulations as
to sale of coal.

R. S., §§ 3711-
3713.

—building.

R. S. of D. C., §

79. 1891, March 3,
18 D. C., 511, 570.

Also, such building regulations for the said District as they may deem advisable.

ch. 540, par. 2, post, p. 925. 5 Mackey, 389;

SEC. 2. That such rules and regulations made as above provided shall have the same force and effect within the District of Columbia as if enacted by Congress. [June 14, 1878.]

—effect.

1887, Jan. 26,

ch. 45; March 3, ch. 390; post, pp. 520, 567.

CHAP. 196.—An act to provide for the appointment of a district judge for the western district of Tennessee, and for other purposes.

June 14, 1878.

20 Stat. L., 182.

Be it enacted, &c., That there shall be appointed by the President of the United States, by and with the advice and consent of the Senate, a district judge for the western district of Tennessee, who shall, from and after the time of his appointment, hold the terms of the United States district court in said district at the times and places required by law.

District judge
for western district
of Tennessee.

R. S. §§ 547, 552.

1873, June 20,

ch. 359, par. 9,
post, p. 203.

SEC. 2. Said district judge shall be paid the same salary and in the same manner as the judge of the middle and eastern districts of Tennessee, and shall exercise all the circuit and district court power and jurisdiction now conferred on said judge and said court.

—salary and
powers.

R. S., § 554.

SEC. 3. The present district judge of said State shall be and remain the district judge of the United States for the middle and eastern districts thereof, as if originally appointed thereto.

Judge for eastern
and middle
districts.

SEC. 4. That all laws or parts of laws in conflict with this act be, and the same are hereby repealed [June 14, 1878.]

Repeal.

June 15, 1878.

CHAP. 213.—An act for the preservation of game and protection of birds in the District of Columbia.

20 Stat. L., 134.

Penalties for killing at certain periods in District of Columbia of—
Quail.

Be it enacted, &c., That no person shall kill or expose for sale, or have in either his or her possession, either dead or alive, any partridge otherwise quail, between the first day of February and the first day of November, under a penalty of five dollars for each bird so killed or in possession.

Pheasant.

SEC. 2. That no person shall kill or expose for sale, or have in his or her possession, either dead or alive, any pheasant, otherwise ruffed grouse, between the first day of February and the first day of August, under a penalty of five dollars for each bird so killed or in possession.

Woodcock.

SEC. 3. That no person shall kill or expose for sale, or have in his or her possession, either dead or alive, any woodcock, between the first day of February and the first day of July, under a penalty of five dollars for each bird so killed or in possession.

Prairie-chicken.

SEC. 4. That no person shall kill or expose for sale, or have in his or her possession, either dead or alive, any prairie-chicken, otherwise pinnated grouse, between the first day of February and the first day of September under a penalty of five dollars for each bird so killed or in possession.

Snipe, or plover.

SEC. 5. That no person shall kill or expose for sale, or have in his or her possession, either dead or alive, any snipe, or plover, between the first day of May and the first day of September, under a penalty of five dollars for each bird so killed or in possession.

Ducks, geese, and brandt.

SEC. 6. That no person shall kill or expose for sale, or have in his or her possession, either dead or alive, any wild duck, wild goose, or wild brandt, between the first day of April and the first day of September, under a penalty of five dollars for each bird so killed *on* [or] in possession.

Water-rails, reed-birds, and ortolan.

SEC. 7. That no person shall kill or expose for sale, or have in his or her possession, either dead or alive, any water-rail, or ortolan, or reed-bird, or rice-bird, between the first day of February and the first day of September, under a penalty of two dollars for each bird so killed or in possession.

Venison.

SEC. 8. That no person shall expose for sale or have in his or her possession, any deer-meat, or venison, between the first day of January and the fifteenth day of August, under a penalty of twenty cents for each and every pound of deer-meat so exposed for sale or had in possession.

Certain birds not to be killed at any time.

SEC. 9. That no person shall kill or expose for sale, or have in his or her possession, dead, at any time any turkey-buzzard, wren, sparrow, blue-bird, humming-bird, blue jay, robin or migratory thrush, wood or song robin, martin, mocking-bird, swallow, oriole, red or cardinal bird, cat-bird, pewit, whip-poor-will, gold-finch, sap-sucker, hanging-bird, wood pecker, crow black-bird, or any other insectivorous bird, save as herein provided, under a penalty of two dollars for each bird killed or in possession dead.

Robbing, &c., wild birds' nests.

SEC. 10. That no person shall rob the nest of any wild bird of eggs or young, or destroy such nest, unless in the necessary prosecution of farming business, under a penalty of two dollars for each egg or bird so taken, and under a penalty of five dollars for each nest destroyed.

Trapping wild birds.

SEC. 11. That no person shall trap, net, or ensnare any wild bird or water-fowl, or have in possession any trap, net, or snare, with the intent to capture or kill any wild bird or water-fowl, under a penalty of five dollars for every bird or water-fowl so trapped, netted, or ensnared, and under a further penalty of twenty dollars for having in possession any such net, trap, or snare; and such net, trap, or snare shall be forfeited and destroyed.

Killing wild ducks, &c., with

SEC. 12. That no person shall at any time kill or shoot at any wild duck, wild goose, or wild brandt with any other gun than such as are

habitually raised at arm's length and fired from the shoulder, under a penalty of five dollars for each and every wild fowl so killed, and under the further penalty of twenty-five dollars for firing such gun at any wild fowl as aforesaid, or having said gun in possession. certain guns prohibited

SEC. 13. That no person shall kill or shoot at any bird or wild fowl in the night-time, under a penalty of twenty-five dollars for every bird or wild fowl so killed, and under the further penalty of ten dollars for shooting at any bird or wild fowl in the night-time as aforesaid. —birds at night.

SEC. 14. That persons in killing birds for scientific purposes, or in possession of them for breeding, shall be exempt from the operations of this act by proving affirmatively such purposes; and the possession shall in all cases be presumptive evidence of unlawful purpose. —birds for scientific purposes.

SEC. 15. That any person who shall knowingly trespass on the lands of another for the purpose of shooting or hunting thereon, after due notice, or notice as provided for in the following section, by the owner or occupant of lands, shall be liable to such owner or occupant in exemplary damages to an amount not exceeding one hundred dollars, and shall also be liable to a fine of ten dollars for each and every trespass so committed. Trespassing on another's lands in hunting.

The possession of implements of shooting on such lands shall be presumptive evidence of the trespass.

SEC. 16. That the notice referred to in the preceding section shall be given by erecting and maintaining sign-boards at least eight by twelve inches in dimension, on the borders of the premises, and at least two such signs for every fifty acres; Notice to trespassers.

And any person who shall maliciously tear down or in any [any] manner deface or injure any of such sign-boards shall be liable to a penalty of not less than five dollars nor more than twenty-five dollars for each and every sign-board so torn down, defaced or injured. Destroying sign-boards, &c.

SEC. 17. That there shall be no shooting, or having in possession in the open air the implements for shooting, on the first day of the week, called Sunday; Shooting or carrying gun on Sunday.

And any person violating the provisions of this section shall be liable to a penalty of not more than twenty-five dollars nor less than ten dollars for each offense.

SEC. 18. That all acts or parts of acts now in force in the District of Columbia, inconsistent with the provisions of this act be, and the same are hereby, repealed. [June 15, 1878.] Repeal.

CHAP. 215.—An act to regulate the practice of pharmacy in the District of Columbia (1).

June 15, 1878.

Be it enacted, &c., That from and after the passage of this act, it shall be unlawful for any person, not a registered pharmacist within the meaning of this act, to conduct any pharmacy or store for the purpose of retailing, compounding, or dispensing medicines or poisons, for medical use, in the District of Columbia, except as hereinafter provided. 20 Stat. L., 137.
In D. of C., unregistered persons not to conduct pharmacies.

SEC. 2. That it shall be unlawful for the proprietor of any store or pharmacy to allow any person, except a registered pharmacist, to compound or dispense the prescriptions of physicians, or to retail or dispense poisons for medical use, except as an aid to, and under the immediate supervision of, a registered pharmacist. Proprietors of stores, &c., not to allow unregistered pharmacists to compound, &c.

Any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be liable to a fine of not less than twenty-five dollars nor more than one hundred dollars for each and every such offense.

SEC. 3. That immediately after the passage of this act, and biennially thereafter, or as often as necessary, the Commissioners of the District of Columbia shall appoint three pharmacists and two phy- Commissioners of pharmacy to be appointed.

NOTE.—(1) See provisions preventing sale of adulterated drugs in District of Columbia, 1898, Oct. 12, ch. 1090, *post*, p. 637.

sicians, all of whom shall have been residents of the District of Columbia for five years and of at least five years' practical experience in their respective professions, who shall be known and styled as Commissioners of Pharmacy for the District of Columbia, who shall serve without compensation, and who shall hold office for two years, and until their successors are appointed and qualified.

— to take oath.

Said commissioners shall, within thirty days after the notification of their appointment, each take and subscribe to an oath to impartially and faithfully discharge their duties as prescribed by this act.

— vacancies; how filled, &c.

The position of any commissioner who shall fail to so qualify within the time named shall be vacant, and the vacancy or vacancies so occurring, or any vacancy or vacancies that may occur, shall be filled by the Commissioners of the District of Columbia.

— to keep register of pharmacists, &c.

SEC. 4. That the commissioners of pharmacy shall keep a book of registration open at some convenient place within the city of Washington, of which due notice shall be given through the public press, and shall record therein the name and place of business of every person registered under this act.

— to register existing druggists, &c., without examination.

It shall be the duty of said commissioners of pharmacy to register, without examination, as registered pharmacists, all pharmacists and druggists who are engaged in business in the District of Columbia at the passage of this act as owners or principals of stores of pharmacies for selling at retail, compounding, or dispensing drugs, medicines, or chemicals for medicinal use, or for compounding and dispensing physicians' prescriptions, and all assistant pharmacists, twenty-one years of age, engaged in said stores or pharmacies in the District of Columbia at the passage of this act, and who have been engaged as such in some store or pharmacy where physicians' prescriptions were compounded and dispensed for not less than five years prior to the passage of this act:

Provided, however, That in case of failure or neglect on the part of any such person or persons to present themselves for registration within sixty days after said public notice, they shall undergo an examination such as is provided for in section five of this act.

Commissioners of pharmacy to examine applicants and register such as are found competent.

SEC. 5. That the said commissioners of pharmacy shall, upon application and at such time and place as they may determine, examine each and every person who shall desire to conduct the business of selling at retail, compounding, or dispensing drugs, medicines, or chemicals for medicinal use, or compounding and dispensing physicians' prescriptions within the District of Columbia as pharmacists;

And if a majority of said commissioners shall be satisfied that said person is competent and fully qualified to conduct said business of compounding or dispensing drugs, medicines, or chemicals for medicinal use, or to compound and dispense physicians' prescriptions, they shall enter the name of such person as a registered pharmacist in the book provided for in section four of this act.

Age and previous service, &c., of applicants.

SEC. 6. That no person shall be entitled to an examination by said commissioners of pharmacy for registration as pharmacist unless he present satisfactory evidence of being twenty-one years of age, and having served not less than four years in a store or pharmacy where physicians' prescriptions were compounded and dispensed, or is a graduate of some respectable medical college or university.

Graduates in pharmacy may be registered.

SEC. 7. That all graduates in pharmacy having a diploma from an incorporated college or school of pharmacy that requires a practical experience in pharmacy of not less than four years before granting a diploma, shall be entitled to have their names registered as pharmacists by said commissioners of pharmacy.

Registry fees.

SEC. 8. That the commissioners of pharmacy shall be entitled to demand and receive from each person whom they register as pharmacists, without examination, the sum of three dollars, and from each person whom they examine the sum of ten dollars.

And in case the examination of said person should prove defective and unsatisfactory, and his name not be registered, he shall be permitted to present himself for re examination within any period not exceeding twelve months next thereafter, and no charge shall be made for such re-examination. Re-examination.

The money received under the provisions of this section shall be applied to payment of such expenses as the commissioners may incur in executing the provisions of this act. Application of fees.

SEC. 9. Every registered pharmacist shall be held responsible for the quality of all drugs, chemicals, and medicines he may sell or dispense, with the exception of those sold in the original packages of the manufacturer, and also those known as "patent medicines"; Responsibility of pharmacists for adulterations &c.

And should he knowingly, intentionally, and fraudulently adulterate, or cause to be adulterated, such drugs, chemicals, or medical preparations, he shall be deemed guilty of a misdemeanor, and, upon conviction thereof, be liable to a penalty not exceeding one hundred dollars, and, in addition thereto, his name shall be stricken from the register.

SEC. 10. It shall be unlawful for any person, from and after the passage of this act, to retail any poisons enumerated in Schedules A and B, as follows, to wit: Certain poisons not to be retailed without affixing labels.

SCHEDULE A.

Arsenic and its preparations, corrosive sublimate, white precipitate, red precipitate, biniodide of mercury, cyanide of potassium, hydrocyanic acid, strychnia and all other poisonous vegetable alkaloids, and their salts, essential oil of bitter almonds, opium and its preparations, except paragoric and other preparations of opium containing less than two grains to the ounce;

SCHEDULE B.

Aconite, belladonna, colchicum, conium, nux vomica, henbane, savin, ergot, cotton-root, cantharides, creosote, digitalis, and their pharmaceutical preparations, croton-oil, chloroform, chloral hydrate, sulphate of zinc, mineral acids, carbolic acid, and oxalic acid, without distinctly labeling the box, vessel, or paper in which the said poison is contained, and also the outside wrapper or cover, with the name of the article, the word "poison", and the name and place of business of the seller.

Nor shall it be lawful for any person to sell or deliver any poisons enumerated in Schedules A and B, unless, upon due inquiry, it be found that the purchaser is aware of its poisonous character, and represents that it is to be used for a legitimate purpose. Sales not to be made without making inquiry, &c.

Nor shall it be lawful for any registered pharmacist to sell any poisons included in Schedule A without, before delivering the same to the purchaser, causing an entry to be made, in a book kept for that purpose, stating the date of sale, the name and address of the purchaser, the name and quality of the poison sold, the purpose for which it is represented by the purchaser to be required, and the name of the dispenser; such book to be always open for inspection by the proper authorities, and to be preserved for reference for at least five years. Entry of sales to be made in books always open to inspection.

The provisions of this section shall not apply to the dispensing of poisons, in not unusual quantities or doses, upon the prescriptions of practitioners of medicine. Restrictions not to apply to medical prescriptions, &c.

Nor shall it be lawful for any licensed or registered druggist or pharmacist in the District of Columbia to retail, or sell, or give away any alcoholic liquors or compounds, as a beverage, to be drunk or consumed upon the premises. Druggists not to sell or give away alcoholic liquors as beverages, &c.

And any violation of the provisions of this section shall make the owner or principal of said store or pharmacy liable to a fine of not less than twenty-five and not more than one hundred dollars, to be collected in the usual manner.

Itinerant vendors of drugs, nostrums, etc., to pay license fee.

SEC. 11. Any itinerant vender of any drug, nostrum, ointment, or appliance of any kind, intended for the treatment of diseases or injury, or who shall, by writing or printing, or any other method, publicly profess to care or treat diseases, injury, or deformity, by any drug, nostrum, manipulation, or other expedient, shall pay a license of two hundred dollars per annum into the treasury of the District of Columbia, to be collected in the usual way.

Penalty for false representations.

SEC. 12. That any person who shall procure or attempt to procure registration for himself or for another under this act, by making or causing to be made any false representation, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, be liable to a penalty of not less than twenty-five nor more than one hundred dollars, and the name of the person so fraudulently registered shall be stricken from the register.

—for conducting pharmacy without registry.

Any person, not a registered pharmacist as provided for in this act, who shall conduct a store, pharmacy, or place for retailing, compounding, or dispensing drugs, medicines, or chemicals, for medicinal use, or for compounding or dispensing physicians' prescriptions, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be liable to a penalty of not less than fifty dollars.

Fines, &c.: how prosecuted for by United States attorney.

SEC. 13. That all fines and penalties under this act shall be collected in the same manner that other fines and penalties are collected in the District of Columbia; and it shall be the duty of the United States district attorney for the District of Columbia to prosecute all violations of this act.

Repeal.

Sec. 14. That all acts and parts of acts inconsistent with this act be, and the same are hereby, repealed. [June 15, 1878.]

June 17, 1878.

CHAP. 259.—An act making appropriations for the service of the Post-Office Department for the fiscal year ending June thirtieth, eighteen hundred and seventy-nine, and for other purposes.

20 Stat. L., 140.

P. O. inspectors and assistant superintendents railway-mail service.

R. S., §§ 4017, 4020.

1880, June 11, ch. 206, par. 1; 1881, March 1, ch. 96, par. 1; 1884, July 5, ch. 234, par. 1; 1890, April 16, ch. 85; 1891, March 3, ch. 547, par. 1; *post*, pp. 296, 319, 467, 715, 932. 1888, Feb. 29, ch. 18, *post*, p. 581.

Commissions to be withheld, when postmasters make false returns.

R. S., § 3855.

Form of affidavit to returns by postmasters, &c.

R. S., § 3855.

1883, March 3, ch. 142, *post*, p. 417.

14 Fed. Rep., 555.

Be it enacted, &c. * * [Par. 1.] That hereafter the per diem pay of all special agents appointed under section forty hundred and seventeen, Revised Statutes, shall only be allowed for their actual and necessary expenses not exceeding five dollars per diem when they are actually engaged in traveling on the business of the department except such, not exceeding ten in number, as are appointed by the Postmaster-General to do duty at such important points as he may designate, and nine assistant superintendents of railway mail service, who may be detailed to act as superintendents of division of railway mail service, who shall each receive a salary of two thousand five hundred dollars, per annum and no more: * *

[Par. 2.] That in any case where the Postmaster-General shall be satisfied that a postmaster has made a false return of business, it shall be within his discretion to withhold commissions on such returns, and to allow any compensation that under the circumstances he may deem reasonable:

Provided, That the form of affidavit to be made by postmasters upon their returns shall be such as may be prescribed by the Postmaster-General; and any postmaster who shall make a false return to the Auditor, for the purpose of fraudulently increasing his compensation under the provisions of this or any other act, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be fined in a sum not less than fifty nor more than five hundred dol-

lars, or imprisoned for a term not exceeding one year, or punished by both such fine and imprisonment, in the discretion of the court;

And no postmaster of any class, or other person connected with the postal service, intrusted with the sale or custody of postage-stamps, stamped envelopes, or postal cards, shall use or dispose of them in the payment of debts or in the purchase of merchandise or other salable articles, or pledge or hypothecate the same, or sell or dispose of them except for cash, or sell or dispose of postage-stamps or postal cards for any larger or less sum than the values indicated on their faces, or sell or dispose of stamped envelopes for a larger or less sum than is charged therefor by the Post-Office Department for like quantities, or sell or dispose of postage-stamps, stamped envelopes, or postal cards otherwise than as provided by law and the regulations of the Post-Office Department;

And any postmaster, or other person connected with the postal service, who shall violate any of these provisions shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be fined in any sum not less than fifty nor more than five hundred dollars, or be imprisoned for a term not exceeding one year. * *

[Par. 3.] That hereafter the Postmaster-General may appoint one agent only to superintend the postal railway service, who shall be paid, out of the appropriation for the transportation of the mail on railways, a salary at the rate of three thousand five hundred dollars a year, and no allowances for traveling or incidental expenses;

And provided further, That the Postmaster-General be, and he is hereby, authorized and directed to readjust the compensation to be paid from and after the first day of July, eighteen hundred and seventy-eight, for transportation of mails on railroad routes by reducing the compensation to all railroad companies for the transportation of mails five per centum per annum from the rates for the transportation of mails, on the basis of the average weight fixed and allowed by the first section of an act entitled "An act making appropriations for the service of the Post Office Department for the fiscal year ending June thirtieth, eighteen hundred and seventy-seven, and for other purposes", approved July twelfth, eighteen hundred and seventy-six. * *

SEC. 2. * * That the disbursements of the moneys appropriated for the preparation and publication of post-route maps be made by a regular bonded disbursing-officer of the Post-Office Department, according to the laws, rules, and customs as recognized by the accounting-officers of the Treasury Department:

And provided also, That the pay-rolls of the draughtsmen, clerks, messengers, and other employees of the topographer's office, shall be regularly made out by the chief of the topographer's office, examined and checked by the appointment clerk of the Post-Office Department, and the payments thereof made by a bonded disbursing-officer of the Post-Office Department:

And also provided further, That all expenditures made by the chief of the topographer's office for the preparation and publication of post-route maps shall be accounted for by vouchers, accompanied by affidavit, and the moneys therefor shall be disbursed by a disbursing-officer of the Post-Office Department;

And all of the above disbursements shall be paid out of the appropriation for the preparation and publication of post-route maps.

SEC. 3. That all acts or parts of acts in conflict with the provisions of this act are hereby repealed. [June 17, 1878.]

Postmasters and others in postal service restricted as to sale of stamps, cards, and envelopes.

R. S., §§ 3918-3920.

136 U. S., 263.
26 Fed. Rep., 690.
33 Fed. Rep., 381.

Penalty.

One agent only to postal railway service.

R. S., § 4020.
1881, March 1, ch. 96, par. 1, post, p. 319.

Railway pay for transporting mails reduced.

R. S., § 4002.
1875, March 3, ch. 128, par. 2; 1876, July 12, ch. 179, § 1; ante, pp. 70, 110.

1879, March 3, ch. 180, § 6; 1881, March 1, ch. 96, par. 3; post, pp. 246, 319. 16 Opins., 196; 20 C. Cls., 43; 118 U. S., 629; 129 U. S., 391.

Disbursement of money for post-route maps to be by bonded officer.

Topographer's office; pay-rolls of, how made out and paid.

—expenditures for post-route maps; how vouched for.

1890, July 11, ch. 667, par. 8, post, p. 773.

—disbursements of, to what appropriation charged.

Repeal.

June 17, 1878.

CHAP. 260.—An act regulating the appointment of cadet-midshipmen and cadet-engineers in the Naval Academy, and for other purposes.

20 Stat. L., 143.

Naval cadets; number and appointment of.

Substitute for R. S., § 1513.

1892, Aug. 5, ch. 391, pars. 1, 2, *post*, p. 376.

1889, Mar. 2, ch. 396, *post*, p. 696.

Officers in Navy may be advanced for eminent conduct in battle.

Substitute for R. S., § 1513.
19 C. Cls., 150.

Rank not to be changed except by advice of Senate, &c

Be it enacted, &c., That section fifteen hundred and thirteen of the Revised Statutes shall hereafter read as follows:

“SEC. 1513. There shall be allowed in said academy one (1) cadet-midshipman for every member or delegate of the House of Representatives, one for the District of Columbia, and ten appointed at large:

Provided, however, That there shall not be at any time more in said academy appointed at large than ten;

But the provisions of this section shall not be construed to apply to cadet-midshipmen appointed at large now in said academy.”

Section fifteen hundred and six is hereby amended so as to read as follows:

“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;

And the rank of officers shall not be changed except in accordance with the provisions of existing law, and by and with the advice and consent of the Senate.” [June 17, 1878.]

NOTE.—(1) Name changed to “naval cadet” by 1892, Aug. 5, ch. 391, par. 1, *post*, p. 376.

June 17, 1878.

CHAP. 261.—An act to increase the pension of certain pensioned soldiers and sailors who have lost both their hands or both their feet or the sight of both eyes in the service of the country.

20 Stat. L., 144.

Preamble.

Whereas, it is apparent that the (1) present pension paid to soldiers and sailors who have lost both their hands or both their feet in the service of the country is greatly inadequate to the support of such as have families: Therefore,

Pension for loss of both hands, feet, or eyes.

R. S., §§ 4697, 4698.

1879, Mar. 3, ch. 200, *post*, p. 261.

1890, Mar. 4, ch. 25, *post*, p. 707.

Be it enacted, &c., That on and after the passage of this act, all soldiers and sailors who have lost either (2) both their hands or both their feet or the sight of both eyes in the service of the United States, shall receive, in lieu of all pensions (1) now paid them by the Government of the United States, and there shall be paid to them, in the same manner as pensions are now paid to such persons, the sum of seventy two dollars per month [June 17, 1878.]

NOTES.—(1) Fixed at \$50 per month by 1874, June 18, ch. 298, *ante*, p. 15.

(2) Rate for loss of both hands increased to \$100 by 1889, Feb. 12, ch. 132, *post*, p. 642. Rate for loss of one hand and one foot fixed by 1877, Feb. 26, ch. 73, *ante* p. 131, amending R. S., § 4698. See also 1883, March 3, ch. 91, *post*, p. 399, and 1886, Aug. 4, ch. 899, *post*, p. 511.

June 18, 1878.

CHAP. 263.—An act making appropriations for the support of the Army for the fiscal year ending June thirtieth, eighteen hundred and seventy-nine, and for other purposes.

20 Stat. L., 145.

Army Register; how to specify lineal rank of officers and military service.

R. S., § 1226.

Be it enacted, &c. * * SEC. 2. That in every Official Army Register hereafter issued, the lineal rank of all officers of the line of the Army shall be given separately for the different arms of the service;

And if the officer be promoted from the ranks, or shall have served in the volunteer army, either as an enlisted man or officer, his service as a private and non-commissioned officer shall be given, and in addition thereto the record of his service as volunteer.

Second lieutenants; who may be appointed as, &c.

R. S., § 1213.

1886, May 17, ch. 338; Dec. 20, ch. 2; *post*, pp. 491, 517.

SEC. 3. That hereafter all vacancies in the grade of second lieutenant shall be filled by appointment from the graduates of the Military Academy so long as any such remain in service unassigned;

And any vacancies thereafter remaining shall be filled by promotion of meritorious non-commissioned officers of the Army, recommended under the provisions of the next section of this act:

Provided that all vacancies remaining, after exhausting the two classes named, may be filled by appointment of persons in civil life.

SEC. 4. That to insure the selection of proper candidates for promotion from the grade of non-commissioned officers, company and battery commanders will report to their regimental commanders such as, in their opinion, by education, conduct, and services, seem to merit advancement, and who have served not less than two years in the Army; the reports to set forth a description of the candidate, his length of service as non-commissioned officer and as private soldier, his character as to fidelity and sobriety, his physical qualifications and mental abilities, the extent to which his talents have been cultivated, and his fitness generally to discharge the duties of a commissioned officer.

If recommended on account of meritorious services, the particular services referred to must be stated in detail.

On receiving the reports of company or battery commanders, the regimental commander will forward the same to the department commanders, with such recommendation of non-commissioned regimental staff as he may deem worthy of promotion; and the department commander shall annually assemble a board to consist of five officers of as high rank as the convenience of the service will admit, to make a preliminary examination into the claims and qualifications of such non-commissioned officers.

The board, constituted as above shall submit a full statement in the case of each candidate examined; and on the said statements, the department commander shall indorse his remarks and forward them to the Secretary of War by the first day of June in each year.

The Chief of Engineers and of other staff corps may make similar recommendations of the non-commissioned officers of their respective commands to the Secretary of War, who shall convene a board of officers for like purpose.

SEC. 5. That hereafter women shall not be allowed to accompany troops as laundresses: * * [Part omitted has expired.] * *

SEC. 6. [Repealed, 1879, June 23, ch. 35, § 8, 21 Stat. L., 35.]

SEC. 7. That on and after the passage of this act, all officers of the Army of the United States who have served as officers in the volunteer forces during the war of the rebellion, or as enlisted men in the armies of the United States, regular or volunteer, shall be, and are hereby, credited with the full time they may have served as such officers and as such enlisted men in computing their service for longevity pay and retirement.

* * [Omitted part superseded, 1891, February 16, ch. 238, post, p. 893.] * *

SEC. 8. Allowance of or commutation for fuel to commissioned officers is hereby prohibited; but fuel may be furnished to the officers of the Army by the Quartermaster's Department, for the actual use of such officers only, at the rate of three dollars per cord for standard oak wood, or at an equivalent rate for other kinds of fuel, according to the regulations now in existence;

And forage in kind may be furnished to the officers of the Army, by the Quartermaster's Department, only for horses owned and actually kept by such officers in the performance of their official military duties when on duty with troops in the field or at such military posts (1) west of the Mississippi River, as may be from time to time designated by the Secretary of War, and not otherwise as follows: To the General five horses; to the Lieutenant General four horses; to a major-general three horses; to a brigadier-general, three horses; to a

1890, Oct. 1, ch. 1241, § 3, post, p. 912.

Non-commissioned officers; how promoted.

R. S., § 1214.

16 Ct. Cls., 210.

1890, Oct. 1, ch. 1241, § 3, post, p. 912.

Board of examination.

Recommendation, &c., for promotion in staff corps.

Laundresses not to accompany troops.

R. S., §§ 1240, 1295.

All army services to be credited for longevity and retirement.

R. S., §§ 1243, 1260, 1262, 1263.

1892, June 30, ch. 254, pars. 1, 2, post, pp. 348, 349, 16 Ct. Cls. 202, 223, 244. 112 U. S., 4.

Allowance for fuel to officers prohibited, but fuel may be sold to them for use.

R. S., § 1270.

16 Opins., 92.

Forage in kind may be furnished for horses owned and kept by officers, &c.

R. S., §§ 1270-1272.

colonel two horses; to a lieutenant-colonel, two horses; to a major, two horses; to a captain (mounted), two horses; to a lieutenant (mounted), two horses; to an adjutant, two horses; to a regimental quartermaster, two horses.

Quarters in kind; where may be furnished.
R. S., § 1270.

—where may be commuted, and at what rate.

R. S., § 1270.
1879, June 23, ch. 35, par. 2, *post*, p. 267.
16 Opins., 577, 619.
19 Opins., 298, 368.

Army not to be used as a *posse comitatus*, except as expressly authorized by Constitution and laws.
16 Opins., 162.

Punishment for violation of section.

Repeal.

SEC. 9. That at all posts and stations where there are public quarters belonging to the United States, officers may be furnished with quarters in kind in such public quarters, and not elsewhere, by the Quartermaster's Department, assigning to the officers of each grade, respectively, such number of rooms as is now allowed to such grade by the rules and regulations of the Army:

Provided, That at places where there are no public quarters, commutation therefor may be paid by the Pay Department to the officer entitled to the same at a rate not exceeding (2) ten dollars per room per month, and the commutation for quarters allowed to the General shall be at the rate of one hundred and twenty-five dollars per month, and to the (3) Lieutenant General at the rate of seventy dollars per month. * *

SECS. 10-14. [*Temporary and expired.*]

SEC. 15. From and after the passage of this act it shall not be lawful to employ any part of the Army of the United States, as a *posse comitatus*, or otherwise, for the purpose of executing the laws, except in such cases and under such circumstances as such employment of said force may be expressly authorized by the Constitution or by act of Congress; and no money appropriated by this act shall be used to pay any of the expenses incurred in the employment of any troops in violation of this section

And any person willfully violating the provisions of this section shall be deemed guilty of a misdemeanor and on conviction thereof shall be punished by fine not exceeding ten thousand dollars or imprisonment not exceeding two years or by both such fine and imprisonment

SEC. 16. That all acts and parts of acts inconsistent with the provisions of this act be, and they are hereby, repealed. [*June 18, 1878.*]

NOTES.—(2) Increased to \$12 by 1879, June 23, ch. 35, par. 2, *post*, p. 267.
(3) By R. S., § 1094, it was provided that the offices of General and Lieutenant-General should cease upon a vacancy occurring. By 1868, June 1, ch. 338 (25 Stat. L., 165), the grade of Lieutenant-General was discontinued and merged in that of General, and the President was authorized to appoint a General. Lieutenant-General Philip H. Sheridan was appointed General. He died August 5, 1868, and the grade of General thereby ceased.

June 18, 1878.

CHAP. 265.—An act to organize the Life-Saving-Service. (1)

20 Stat. L., 163.

Additional life-saving stations.
R. S., §§ 4242-4251.

At Cranberry Isles:

—Delaware coast;

—Maryland coast;

—Virginia and North Carolina coast,

Be it enacted, &c. That the Secretary of the Treasury is hereby authorized to establish additional life-saving and life-boat stations at or near the following-named points upon the sea and lake coasts of the United States, namely:

One complete life-saving station at Cranberry Isles, Maine;
One complete life-saving station at or near Scituate, Massachusetts;
One complete life-saving station at or near Watch Hill, Rhode Island;

One complete life-saving station on the coast of Delaware between Cape Henlopen and Indian River;

Two complete life-saving stations on the coast of Maryland, to be located, one between Indian River and Green Run, and one between Green Run and Chincoteague;

Fifteen complete life-saving stations on the coasts of Virginia and North Carolina, ten of them to be located at intermediate points be-

NOTE.—(1) The Life Saving Service is recognized in R. S., §§ 4242-4249, and certain stations provided. (Two new stations were authorized and additional provisions made by 1874, June 20, ch. 344, *ante*, p. 28.) By 1875, March 3, ch. 130, par. 29, *ante*, p. 72, authority was given to acquire sites. By 1878, June 18, ch. 265, above, a systematic organization was effected and by 1882, May 4, ch. 117, *post*, pp. 340-342, additional provisions as to pay, pensions, etc., were made. New stations were authorized by 1875, March 3, ch. 130, par. 1, *ante*, p. 72; 1881, Mar. 2, ch. 111, *post*, p. 320; 1881, March 3, ch. 133, par. 1, *post*, p. 321; 1882, May 4, ch. 117, § 1, *post*, p. 339; 1886, June 19, ch. 424, *post*, p. 497; 1888, Oct. 1, ch. 1060, *post*, p. 632; Oct. 13, ch. 1113, *post*, p. 632; Oct. 18, ch. 1195, *post*, p. 633; 1889, Feb. 23, ch. 208, *post*, p. 650; Mar. 1, ch. 323, *post*, p. 660; 1891, March 3, ch. 542, par. 1, *post*, p. 927. By 1890, Oct. 1, ch. 1244, par. 633, *post*, p. 852, lifeboats and life-saving apparatus imported by certain societies are placed on the free list.

tween the existing stations, three between the southernmost existing station and Hatteras Inlet, one at or near Cape Lookout, and one at or near Cape Fear Point;

Five complete life-stations on the coast of Texas, to be located, one at or near Sabine Pass, one on Galveston Island, near west end, one at or near Pass Cavallo, one at or near Aransas Pass, and one at Brazos Santiago, and one life boat station on Galveston Island, near east end; —Texas coast;

Two complete life-saving stations on the coast of Lake Michigan, to be located, one at or near Sleeping Bear Point, and one at or near Bayley's Harbor, and four life-boat stations to be located, one at or near Manistee, one at Ludington, one at or near Muskegan, and one at Kenosha; —Lake Michigan;

One life-boat station on the coast of Lake Superior, at or near the mouth of Portage Lake and Lake Superior Ship Canal; —Lake Superior;

Two complete life-saving stations on the coast of Lake Huron, one at or near Port Austin and one on Middle Island, and a life-boat station at or near Sand Beach Harbor of Refuge; —Lake Huron;

And on the coast of California, a life-boat station at Bolinas Bay, in place of that authorized to be established at Point Reyes by the act of June twentieth, eighteen hundred and seventy-four, entitled "An act to provide for the establishment of life-saving stations and houses of refuge upon the sea and lake coasts of the United States, and to promote the efficiency of the Life-Saving Service"; —California. 1874, June 20, ch. 344, § 1(18 Stat. L., 126), and ante, p. 28.

And the Secretary of the Treasury is hereby authorized, whenever, in his opinion, it may become necessary for the proper administration of the Life-Saving Service and the protection of the public property at the stations, to appoint a district superintendent for the coast of the United States bordering on the Gulf of Mexico, whose compensation shall be at the rate of one thousand dollars per annum, Superintendent for coast on Gulf of Mexico.

And also a keeper for each of the stations hereby authorized to be established. Keeper at each station.

SEC. 2. [Expired.]

SEC. 3. That all moneys received from the sale of old stations and equipments and other material condemned by a board of survey as unserviceable may be expended in rebuilding or improving and equipping stations. Proceeds of old material sold, how used. R. S., §§ 3618, 3672, 3692.

SEC. 4. That hereafter the (1) compensation of the keepers of life-saving and life-boat stations and houses of refuge shall be at the rate of four hundred dollars per annum; 1874, June 20, ch. 344, § 9, ante, p. 30. Keeper's compensation.

And they shall have the powers of inspectors of customs, but shall receive no additional compensation for duties performed as such: —have powers of inspectors of customs.

Provided, That said keepers shall have authority and be required to take charge of and protect all property saved from shipwreck at which they may be present, until it is claimed by parties legally authorized to receive it, or until otherwise instructed to dispose of it by the Secretary of the Treasury; —to have charge of property saved. 16 Opins., 645.

And keepers of life-saving stations shall be required to reside continually at or in the immediate vicinity of their respective stations. —to reside near their stations.

SEC. 5. That hereafter the life-saving stations upon the sea and gulf coasts at which crews are employed shall be manned and the stations opened for active service on the first day of September in each year, and so continue until the first day of May succeeding, and upon the lake coasts from the opening to the close of navigation, except such stations as, in the discretion of the Secretary of the Treasury, are not necessary to be manned during the full period specified; Stations; at what season to be kept open.

And the crews shall reside at the stations during said periods. Crews to reside at stations.

SEC. 6. That the President of the United States may, by and with the consent of the Senate, appoint a suitable person, who shall be General superintendent; his ap-

NOTE.—(2) Compensation changed by 882, May 4, ch. 117, § 5, post, p. 341.

pointment, salary, &c. familiar with the various means employed in the Life-Saving Service for the saving of life and property from shipwrecked vessels, as general superintendent of the Life-Saving Service, who shall, under the immediate direction of the Secretary of the Treasury, have general charge of the service and of all administrative matters connected therewith, and whose compensation shall be at the rate of four thousand dollars per annum;

Assistant to general superintendent. And the Secretary of the Treasury is authorized to appoint an assistant to the general superintendent, whose compensation shall be two thousand five hundred dollars per annum.

Duties of general superintendent. SEC. 7. That it shall be the duty of the general superintendent

To supervise the organization and government of the employees of the service;

To prepare and revise regulations therefor as may be necessary;

To fix the number and compensation of surfmen to be employed at the several stations within the provisions of law;

To supervise the expenditure of all appropriations made for the support and maintenance of the Life-Saving-Service;

To examine the accounts of disbursements of the district superintendents, and to certify the same to the accounting-officers of the Treasury Department;

To examine the property returns of the keepers of the several stations, and see that all public property thereto belonging is properly accounted for;

To acquaint himself, as far as practicable, with all means employed in foreign countries which may seem to advantageously affect the interests of the service, and to cause to be properly investigated all plans, devices, and inventions for the improvement of life-saving apparatus for use at the stations, which may appear to be meritorious and available;

To exercise supervision over the selection of sites for new stations the establishment of which may be authorized by law, or for old ones the removal of which may be made necessary by the encroachment of the sea or by other causes;

To prepare and submit to the Secretary of the Treasury estimates for the support of the service;

1874, June 20, ch. 344, § 10, ante, p. 30. To collect and compile the statistics of marine disasters contemplated by the act of June twentieth, eighteen hundred and seventy-four;

— to make annual report. And to submit to the Secretary of the Treasury, for transmission to Congress, an annual report of the expenditures of the moneys appropriated for the maintenance of the Life-Saving Service, and of the operations of said service during the year.

Revenue-Marine officers may be detailed as inspectors. SEC. 8. That the Secretary of the Treasury may detail such officer or officers of the Revenue Marine Service as may be necessary, to act as inspector and assistant inspectors of stations, who shall perform such duties in connection with the conduct of the service as may be required of them by the general superintendent.

Investigation of shipwrecks with loss of life. SEC. 9. That upon the occurrence of any shipwreck within the scope of the operations of the Life-Saving Service, attended with loss of life, the general superintendent shall cause an investigation of all the circumstances connected with said disaster and loss of life to be made, with a view of ascertaining the cause of the disaster, and whether any of the officers or employees of the service have been guilty of neglect or misconduct in the premises;

— administration of oath. R. S., § 183. And any officer or clerk in the employment of the Treasury Department who may be detailed to conduct such investigation, or to examine into any alleged incompetency or misconduct of any of the officers or employees of the Life-Saving Service, shall have authority to administer an oath to any witness attending to testify or depose in the course of such investigation.

Compensation of members of volun- SEC. 10. That section six of said act of June twentieth, eighteen hundred and seventy-four, is so amended as to extend the compensa-

tion of the enrolled members of volunteer crews of life-boat stations therein named to occasions of actual and deserving service at any shipwreck, or in the relief of any vessel in distress, and that such persons as may volunteer to take the place of any absent or disabled enrolled members of a crew, and who shall be accepted by the keeper, may be paid therefor, in the discretion of the Secretary of the Treasury, a sum not to exceed eight dollars each on every such occasion:

Provided, That all crews and volunteers employed under authority of this act who may be present at a wreck shall be required to use their utmost endeavors to save life and properly care for the bodies of such as may perish, and, when such efforts are no longer necessary, to save property and protect the same, under the direction of the senior keeper present or of the superintendent of the district, until the arrival of persons legally authorized to take charge;

And for the time employed in so saving and protecting property volunteers shall be entitled to compensation not to exceed three dollars per day each, in the discretion of the Secretary of the Treasury.

SEC. 11. That the enrolled members of the crews of life-boat stations may be called out for drill and exercise in the life-boat and life-saving apparatus as often as the general superintendent may determine, not to exceed twice a month, for each day's attendance at which they shall be entitled so the sum of three dollars each.

SEC. 12. That the Secretary of the Treasury is hereby authorized to bestow the life-saving medal of the second class upon persons making such signal exertions in rescuing and succoring the shipwrecked, and saving persons from drowning, as, in his opinion, shall merit such recognition. [June 18, 1878.]

CHAP. 267.—An act relative to examinations for promotions in the Navy.

Be it enacted, &c. That hereafter in the examination of officers in the Navy for promotion no fact which occurred prior to the last examination of the candidate whereby he was promoted, which has been enquired into and decided upon, shall be again enquired into, but such previous examination, if approved, shall be conclusive, unless such fact continuing shows the unfitness of the officer to perform all his duties at sea.

SEC. 2. [Relates to past cases.] [June 18, 1878.]

CHAP. 268.—An act to amend section forty-six hundred and ninety five of the Revised Statutes of the United States.

Be it enacted, &c., That from and after July sixteenth, eighteen hundred and sixty-two pensions granted to lieutenant-commanders in the Navy for disability, or on account of their death, shall be the same as theretofore provided for lieutenants-commanding. [June 18, 1878.]

CHAP. 311.—An act to regulate expenditures in the Navy.

Be it enacted, &c., That from and after the passage of this act, it shall be the duty of the Secretary of the Treasury to transmit to Congress, annually, a tabular statement showing in detail the receipts and expenditures in the Naval service under each appropriation, as made up and determined by the proper officers of the Treasury Department, upon the accounts of disbursing-officers rendered for settlement.

teer crews of life-boat stations extended.

1874, June 20, ch. 344, § 6, *ante*, p. 29.

Duty of crews.

Pay of volunteers for saving, &c., property.

Drill, &c., of enrolled crews.

Life-saving medals bestowed by Secretary of Treasury.

1874, June 20, ch. 344, § 7, *ante*, p. 29.
1882, May 4, ch. 117, § 9, *post*, p. 341.

June 18, 1878.

20 Stat. L., 165.

In promotions, matters decided at previous examination not to be inquired into.

R. S., §§ 1498-1504.

18 C. Cls., 604.

24 C. Cls., 442.

June 18, 1878.

20 Stat. L., 166.

Lieutenant-commanders' pension.

R. S., § 4695.

June 19, 1878.

20 Stat. L., 167.

Tabular statement of receipts and expenditures of naval service to be laid before Congress annually.

R. S., § 429.

Tabular statement of expenses of Navy, with account of balances, losses, &c.

SEC. 2. There shall be appended to this statement an account of balances in the hands of disbursing agents at the close of each fiscal year, and a report of any amounts lost or unaccounted for by voucher. [June 19, 1878.]

June 19, 1878.

CHAP. 312.—An act authorizing a general account of advances for naval appropriations.

20 Stat. L., 167.
Requisitions of Secretary of Navy for advances; how issued.

R. S., § 3673.
Use of appropriations for pay of Navy limited.
18 Opins., 412.
Advances; how charged.

R. S., § 283.
Settlements, &c., by Fourth Auditor.

R. S., § 277, par. 5.

Be it enacted, &c., That the Secretary of the Navy be, and he is hereby, authorized to issue his requisitions for advances to disbursing officers and agents of the Navy under a "General account of advances", not to exceed the total appropriation for the Navy, the amount so advanced to be exclusively used to pay current obligations upon proper vouchers and that "Pay of the Navy" shall hereafter be used only for its legitimate purpose, as provided by law.

SEC 2. That the amount so advanced be charged to the proper appropriations, and returned to "General account of advances" by pay and counter warrant; the said charge, however, to particular appropriations, shall be limited to the amount appropriated to each.

SEC 3. That the Fourth Auditor shall declare the sums due from the several special appropriations upon complete vouchers, as heretofore, according to law; and he shall adjust the said liabilities with the "General account of advances." [June 19, 1878.]

June 19, 1878.

CHAP. 316.—An act to create an Auditor of Railroad Accounts and for other purposes.

20 Stat. L., 169.
Repeal of provisions requiring certain reports from railroad companies.

1862, ch. 120 (12 Stat. L., 496).
1868, ch. 77 (15 Stat. L., 79).

Auditor of Railroad Accounts.

R. S., §§ 437-439, 5256-5262. 1881, March 3, ch. 130, par. 2, *post*, p. 320.
—salary of.

16 C. Cls., 420.
—assistants and clerks of.

—traveling expenses of.

—free transportation of.

—incidental expenses of.

Be it enacted, &c., That section twenty of the act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the government the use of the same for postal, military and other purposes", approved July first anno Domini eighteen hundred and sixty-two, and the act entitled "An act relative to filing reports of railroad companies" approved June twenty-fifth, anno Domini eighteen hundred and sixty-eight, be, and the same are hereby, repealed.

SEC 2. That the office of (1) Auditor of Railroad Accounts is hereby established as a bureau of the Interior Department. The said Auditor shall be appointed by the President of the United States, by and with the advice and consent of the Senate.

The annual salary of the said Auditor shall be, and is hereby, fixed at the sum of five thousand dollars.

To assist the said Auditor to perform the duties of said office, the Secretary of the Interior shall appoint one bookkeeper at an annual salary of two thousand four hundred dollars, one assistant bookkeeper at an annual salary of two thousand dollars, one clerk at an annual salary of one thousand four hundred dollars, and one copyist at an annual salary of nine hundred dollars.

Actual and necessary traveling and other expenses incurred in visiting the offices of the railroad companies hereinafter described, and for which vouchers shall be rendered, are hereby allowed, not to exceed the sum of two thousand dollars per annum;

And it is hereby specially provided that each of said railroad companies shall furnish transportation over its own road, without expense to the United States, for the said Auditor or any person acting under his direction.

Incidental expenses for books, stationery and other material necessary for the use of said bureau are hereby allowed not to exceed the sum of seven hundred dollars per annum.

* * [Part omitted makes appropriation.] * *

NOTE.—(1) Title changed to Commissioner of Railroads by 1861, March 3, ch. 130, par. 2, *post*, p. 330.

SEC. 3. That the duties of the said Auditor under and subject to the direction of the Secretary of the Interior shall be, to prescribe a system of reports to be rendered to him by the railroad companies whose roads are in whole or in part west, north, or south of the Missouri River, and to which the United States have granted any loan of credit or subsidy in bonds or lands;

Duties of Auditor.

To examine the books and accounts of each of said railroad companies once in each fiscal year, and at such other times as may be deemed by him necessary to determine the correctness of any report received from them;

To assist the government directors of any of said railroad companies in all matters which come under their cognizance whenever they may officially request such assistance;

To see that the laws relating to said companies are enforced;

To furnish such information to the several departments of the government in regard to tariffs for freight and passengers and in regard to the accounts of said railroad companies as may be by them required, or, in the absence of any request therefor, as he may deem expedient for the interest of the government;

And to make an annual report to the Secretary of the Interior, on the first day of November, on the condition of each of said railroad companies, their roads, accounts, and affairs, for the fiscal year ending June thirtieth immediately preceding.

Auditor to make annual report.

SEC. 4. That each and every railroad company aforesaid which has received from the United States any bonds of the said United States, issued by way of loan to aid in constructing or furnishing its road, or which has received from the United States any lands granted to it for a similar purpose, shall make to the said Auditor any and all such reports as he may require from time to time and shall submit its books and records to the inspection of said Auditor or any person acting in his place and stead, at any time that the said Auditor may request, in the office where said books and records are usually kept;

Railroad companies which have received bonds or lands from United States to make reports and submit books.

1878, May 7, ch. 96, §§ 4, 5, ante, p. 162.

And the said Auditor, or his authorized representative, shall make such transcripts from the said books and records as he may desire.

SEC. 5. That if any railroad company aforesaid shall neglect or refuse to make such reports as may be called for, or refuse to submit its books and records to inspection, as provided in section four of this act, such neglect or refusal shall operate as a forfeiture, in each case of such neglect or refusal, of a sum not less than one thousand nor more than five thousand dollars, to be recovered by the Attorney-General of the United States in the name and for the use and benefit of the United States;

—penalty for neglect, &c.

And it shall be the duty of the Secretary of the Interior, in all such cases of neglect or refusal as aforesaid, to inform the Attorney-General of the facts, to the end that such forfeiture or forfeitures may be judicially enforced.

SEC. 6. This act shall apply to any and all persons or corporations into whose hands either of said railroads may lawfully come, as well as to the original companies.

Act to apply to assignees of such companies.

SEC. 7. This act shall take effect on and after the first day of July, anno Domini eighteen hundred and seventy-eight. [June 19, 1878.]

When act takes effect.

CHAP. 317.—An act to protect public libraries in the District of Columbia, and for other purposes.

June 19, 1878.

20 Stat. L., 171.

Be it enacted, &c., That any person who shall steal, wrongfully deface, injure, mutilate, tear, or destroy any book, pamphlet, or manuscript, or any portion thereof, belonging to the Library of Congress, or to any public library in the District of Columbia, whether the property of the United States or of any individual or corporation

Stealing, injuring, &c., books, maps, &c., in Library of Congress, or any public library in District

of Columbia, &c.;
how punished.

R. S. §§ 80-100.

in said District, or who shall steal, wrongfully deface, injure, mutilate, tear, or destroy any book, pamphlet, document, manuscript, print, engraving, medal, newspaper, or work of art, the property of the United States, shall be held guilty of a misdemeanor, and, on conviction thereof, shall, when the offense is not otherwise punishable by some statute of the United States, be punished by a fine of not less than ten dollars nor more than one thousand dollars, and by imprisonment for not less than one nor more than twelve months, or both, for every such offense. [June 19, 1878.]

June 19, 1878.

20 Stat. L., 171.

CHAP. 318.—An act to amend section twenty-nine hundred and thirty-one of the Revised Statutes of the United States so as to allow repayment by the Secretary of the Treasury of the tonnage tax where it has been exacted in contravention of treaty provisions.

Refund of tonnage dues illegally exacted.

R. S., §§ 2931, 30124, 4219-4227.

16 Opins., 103, 276.

—not to apply in certain cases.

Be it enacted, &c., That the provisions of section twenty-nine hundred and thirty-one, of chapter six, title thirty-four, of the Revised Statutes, shall not apply to cases of the payment of tonnage-tax on vessels where the Secretary of the Treasury and Attorney-General shall be satisfied that the exaction of such tax was in contravention of treaty provisions; and he may draw his warrant for the refund of the tax so illegally exacted, as is provided in section three thousand twelve and one half of said statutes:

* * [Part omitted relates to past transactions.] * * [June 19, 1878.]

June 19, 1878.

20 Stat. L., 173.

Earnings, not exceeding \$100, of residents of District of Columbia exempt from levy, execution, &c.

R. S. of D. C., §§ 797-799.

CHAP. 321.—An act regulating exemptions in the District of Columbia.

Be it enacted, &c., That the earnings, not to exceed one hundred dollars each month of all actual residents of the District of Columbia, and who are married persons, or who have to provide for the support of a family in said District, for two months next preceding the issuing of any writ or process from any court or justice of the peace, or other officer of and in said District, against them, shall be exempt from attachment, levy, seizure, or sale upon such process;

And the same shall not be seized, levied on, taken, reached, or sold by attachment, execution, or any other process, or proceedings of any court, judge, justice of the peace, or other officer of and in said District:

Provided, That this act and nothing herein contained shall apply, or in any manner affect any existing debt, contract, note, or judgment.

Repeal.

SEC. 2. That all acts or parts of acts inconsistent with the provisions of this act be, and they are hereby, repealed. [June 19, 1878.]

June 19, 1878.

20 Stat. L., 173.

Circuit and district courts to be held at Charlotte, N. C.

R. S., §§ 572, 658, 1887, Feb. 17, ch. 137, post, p. 538.

CHAP. 322.—An act to provide for the holding of terms of the district and circuit courts of the United States at city of Charlotte, North Carolina.

Be it enacted, &c., That additional terms of the district and circuit courts of the United States for the western district of North Carolina shall hereafter be held in the city of Charlotte, in said State, and that said terms shall commence respectively on the second Monday of June and the second Monday of December in each and every year and shall continue until the business is disposed of.

That this act take effect from and after its passage. [June 19, 1878.]

CHAP. 323.—An act to create a revenue in the District of Columbia by levying a tax upon all dogs therein, to make such dogs personal property, and for other purposes.

June 19, 1878.

20 Stat. L., 178.

Be it enacted, &c., That there shall be levied a tax of two dollars each per annum upon all dogs owned or kept in the District of Columbia; said tax to be collected as other taxes in said District are or may be collected.

In District of Columbia: tax on dogs.

1877, March 3, ch.

117, § 7, ante, p. 144.

Tax tags.

SEC. 2. It shall be the duty of the collector of taxes, upon receipt of said tax, to give to the person paying the same, for each dog so paid for, a suitable metallic tag, stamped with the year, showing that said tax has been duly paid;

And he shall keep a record of all such payments, with the date thereof, and the name, color, and sex of such dog, and the name of the person claiming any dog so paid for;

Record.

And a copy of such record, certified under the hand and official seal of the said collector, which shall be given to any person demanding the same, upon payment of twenty-five cents therefor, shall be prima-facie evidence of such payment in any court of the District of Columbia.

Evidence of payment.

SEC. 3. The poundmaster of the District of Columbia shall, during the entire year, seize all dogs found running at large without the tax-tag, issued by the collector aforesaid, attached, and shall impound the same;

Dogs without tags to be seized, &c.

And if, within forty-eight hours, the same are not redeemed, by the owners thereof, by the payment of two dollars, they shall be sold or destroyed, as the poundmaster may deem advisable; and any sale made by virtue hereof shall be deemed valid to all intents and purposes in all the courts of the District of Columbia.

SEC. 4. Any dog wearing the tax-tag hereinbefore provided for shall be permitted to run at large in the District of Columbia, and shall be regarded as personal property in all the courts of said District;

Dogs with tags to be personal property, and persons injuring, &c., liable therefor.

And any person injuring or destroying the same shall be liable to a civil action for damages, which, upon proof of said injuring or killing may be awarded in a sum equal to the value usually put upon such property by persons buying and selling the same, subject to such modification as the particular circumstances of the case may make proper.

SEC. 5. Any person owning any dog so recorded in the collector's office shall be liable in a civil action for any damage done by said dog to the full amount of the injury inflicted.

Owners liable for injuries by dogs.
5 Mackey, 514.

SEC. 6. It shall be the duty of any person owning or possessing a dog to place, or cause to be placed and kept, around the neck of such dog, a collar, on which shall be marked and engraved, in legible and durable characters, the name of the owner or possessor, and the letters "D. C.", and to which collar must be attached the insignia or tax-tag furnished by the District tax-collector, in accordance with the first and second sections of this law, under the penalty of not less than five nor more than ten dollars;

Dog collars; provisions concerning.

And if any person shall put, or cause to be put, a collar, with the insignia or tax-tag, around the neck of any dog owned or possessed by any person of persons residing in the District, without having obtained a license for keeping such animal, he, she, or they shall forfeit and pay the sum of not less than five nor more than ten dollars for each and every offense.

SEC. 7. Whenever it shall be made to appear to the Commissioners that there are good reasons for believing that any dog or dogs within the District are mad, it shall be the duty of the Commissioners to issue a proclamation requiring that all dogs shall, for a period to be defined in the proclamation, wear good, substantial muzzles securely put on, so as to prevent them from biting or snapping;

Muzzles.

And any dog going at large during the period defined by the Com-

missioners without such muzzle shall be taken by the poundmaster and impounded, subject to the provisions of section three.

Penalty for removing collar, &c.

SEC. 8. Any person who shall remove, or cause to be removed, the collar and insignia or tax-tag from the neck of any dog, or entice any properly licensed dog into any inclosure for the purpose of taking off its collar or insignia, or shall for such purpose decoy or entice any animal out of the inclosure or house of its owner or possessor, or shall seize or molest any dog while held or led by any person, or shall bring any dog into the District for the purpose of taking up and killing the same, shall forfeit and pay a sum of not more than twenty dollars.

Penalty for molesting led dog.

SEC. 9. If any owner or possessor of a fierce or dangerous dog permit the same to go at large in the District of Columbia, to the danger or annoyance of the inhabitants, he shall forfeit and pay, for the first offense, ten dollars; for the second, a sum not exceeding twenty dollars; and upon a third conviction for the same offense, the Commissioners shall immediately cause the dog, upon account of which the conviction takes place, to be slain and buried.

— for permitting dangerous dogs to go at large, &c.

Repeal.

SEC. 10. That all acts or parts of acts now in force in the District of Columbia inconsistent with the provisions of this act be, and the same are hereby, repealed. [June 19, 1878.]

June 19, 1878.

20 Stat. L., 175.

CHAP. 326.—An act to detach certain territory from the eastern judicial district of Michigan and to attach the same to the western judicial district of Michigan, and to provide for divisions in said western district and for holding the district and circuit courts therein, and for other purposes.

Western judicial district of Michigan to include certain counties heretofore in eastern district.

R. S., § 538.

Be it enacted, &c., That the counties of Chippewa, Schoolcraft, Marquette, Houghton, Keweenaw, Ontonagon, Isle Royale, Baraga, and Mackinaw being and including all that portion of the territory and waters of said eastern district lying in the upper peninsula of Michigan be and the same are hereby detached from the eastern judicial district of Michigan and attached to the western judicial district of said State.

—divided.

SEC. 2. That for the trial and determination of all causes and proceedings cognizable and triable in the circuit and district courts of the United States for the western district of Michigan as bounded and described in this act, the said district shall consist of two divisions known respectively as the southern and northern divisions of said district.

Southern and northern divisions.

The southern division shall comprise all that portion of said district lying and being in the lower peninsula of said State, and the northern division of said district shall comprise all the territory and waters of the entire upper peninsula of said State;

Circuit courts to hold two terms annually in each division.

R. S., §§ 572, 658.

And there shall be two regular terms of the circuit and district courts begun and held in each of the divisions of said western district annually.

— terms of, in southern division at Grand Rapids.

The regular terms of the circuit and district courts in said southern division shall be held at the city of Grand Rapids, commencing on the first Tuesdays of March and October in each year.

— terms of, in northern division at Marquette.

The regular terms of the circuit and district courts in said northern division shall be held at the city of Marquette, commencing upon the first Tuesdays of May and September in each year.

Issues of fact; where to be tried.

And all issues of fact shall be tried at the terms of said courts to be held in the division where such suits shall hereafter be commenced;

But nothing herein contained shall prevent the said circuit and district courts from regulating by general rule the venue of transitory actions, either in law or in equity, and from changing the same for cause.

SEC. 3. That all suits and proceedings hereafter to be brought in the said circuit or district courts not of a local nature, shall be brought in a court of the division of the district where the defendant resides; Suits; in what divisions to be brought.

But if there be more than one defendant, and they reside in different divisions of the district, the plaintiff may sue in either divisions and send duplicate writ or writs to the other defendants, on which the plaintiff or his attorney shall endorse that the writ thus sent is a copy of a writ sued out in a court of the proper division of the said district;

And the said writs when executed and returned into the office from which they issued, shall constitute one suit, and be proceeded in accordingly.

SEC. 4. The clerk of the circuit and district courts for the western district of Michigan shall reside and keep his office at Grand Rapids, and shall also appoint a deputy clerk for said courts held at Marquette, who shall reside and keep his office at that place; Clerk of western district; where to reside and keep office.

And said deputy clerk shall keep in his office full records of all actions and proceedings in the said circuit and district courts for the northern division of said district held at that place, and shall have the same power to issue all processes from the said courts and perform any other duty that is or may be given to the clerks of other circuit and district courts in like cases. —deputy, and his duty.

SEC. 5. That the district attorney and marshal of the said western district of Michigan shall respectively perform the duties of district attorney and marshal for the southern and northern divisions of said district as established by this act. District attorney and marshal.

The marshal of said district shall keep an office and a deputy marshal at Marquette in the northern division of said district. Marshal's office and deputy at Marquette.
Criminal causes; where to be tried.

SEC. 6. Any person charged with violating any of the penal or criminal statutes of the United States of which the said circuit or district courts have jurisdiction, shall be proceeded against by indictment or otherwise, within the division of said district where the alleged offense or offenses shall be committed, and shall have his or her trial at a term of the said court held in said division, unless for cause shown, the judge shall otherwise direct;

And one grand and one petit jury only shall be summoned, and serve in both said courts at each term thereof; Juries for both courts, &c.

And jurors shall be selected and drawn from the division of the said district in which they reside and in which the terms of the said circuit and district courts to which they are summoned are held. —how drawn, &c.

SEC. 7. This act shall not affect or in any wise interfere with causes of action now pending in the circuit and district courts for the eastern district of Michigan, but the same may be proceeded with in the same manner as though this act had not been passed: Pending causes in eastern district.

Provided, however, That upon cause shown, the circuit and district courts for the eastern district may transfer civil causes arising in that portion of said district detached therefrom by this act to the circuit and district courts for the northern division of the western district of Michigan, provided for in this act.

The circuit and district courts for the eastern district of Michigan shall continue to have the same jurisdiction in reference to all crimes and offenses committed prior to the passage of this act in any portion of the State of Michigan by this act detached from said eastern district and attached to said western district.

SEC. 8. All provisions of laws in conflict with this act are hereby repealed. Repeal.

SEC. 9. There shall be one or more terms of the district court for the eastern district of Michigan, held annually at the United States court room in the city of Port Huron in said district, in the discretion of the judge of said district court, and at such times as he shall appoint therefor. [June 19, 1878.] District court for eastern district of Michigan to be held at Port Huron.
R. S., § 572.

June 19, 1878.

20 Stat. L., 178.

One of executive clerks to sign land patents.

R. S., § 450.

Gaugers pay.

R. S., § 3157.

1876, August 15, ch. 287, par. 7, ante p. 119.

Refining, &c., bullion to be carried on at mints and at assay-office at New York.

R. S., § 3546.

Mints and assay offices may pay coin certificates to depositors.

R. S. § 3545

1879, March 3, ch. 182, § 1, par. 3, post, p. 250.

Coin certificates may be used for payment of bullion.

R. S., §§ 254, 3545.

1874, June 22, ch. 419, ante, p. 40.

1879, March 3, ch. 182, § 4, par. 3, post, p. 250.

1882, July 12, ch. 290, § 12, post, p. 356.

—charges collected of depositors at; how may be used.

Number and pay of members of Territorial legislatures prescribed.

R. S., §§ 1846, 1853, 1922.

Territories to be divided into council and representative districts, &c.

R. S., §§ 1847, 1849, 1853, 1922.

CHAP. 329.—An act making appropriations for the legislative, executive, and judicial expenses of the government for the fiscal year ending June thirtieth, eighteen hundred and seventy-nine, and for other purposes.

Be it enacted, &c. * * [Par. 1.] And the duties prescribed by section of the Revised Statutes numbered four hundred and fifty shall devolve upon and be discharged by one of the executive clerks, to be designated by the President for that purpose. * *

[Par. 2.] Commissioner of Internal Revenue. * * Hereafter the compensation of gaugers shall not exceed five dollars per day while actually employed. * *

[Par. 3.] And refining and parting of bullion shall be carried on at the mints of the United States and at the assay-office at New York.

And it shall be lawful to apply the moneys arising from charges collected from depositors for these operations pursuant to law so far as may be necessary to the defraying in full of the expenses thereof, including labor, materials, and wastage;

But no part of the moneys otherwise appropriated for the support of the mints and the assay-office at New York shall be used to defray the expenses of refining and parting bullion (1); but when the bullion received shall not, in the aggregate, be in such proportion of gold and silver as to admit of economical parting, or the necessary supplies of acids cannot be procured at reasonable rates, unparted bullion may be exchanged for fine bars, as provided in section thirty-five hundred and forty-six of the Revised Statutes of the United States.

[Par. 4.] And for the purpose of enabling the several mints and assay-offices of the United States to make returns to depositors with as little delay as possible, the provisions of section thirty-five hundred and forty-five of the Revised Statutes of the United States shall hereafter apply to the several mints and assay-offices of the United States;

And the Secretary of the Treasury is hereby authorized to use, as far as he may deem it proper and expedient, for payment to depositors of bullion at the several mints and assay-offices, coin certificates, representing coin in the Treasury, and issued under the provisions of section two hundred and fifty-four of the Revised Statutes of the United States; all of said acts and duties to be performed under such rules and regulations as shall be prescribed by the Secretary of the Treasury. (2)

And it shall be lawful to apply the moneys arising from charges collected from depositors at the several mints and assay-offices pursuant to law, to defraying the expenses thereof, including labor, material, wastage, and use of machinery; * *

[Par. 5.] That from and after the adjournment of the next session of the several Territorial Legislatures the council of each of the Territories of the United States shall not exceed twelve members and the House of Representatives of each shall not exceed twenty-four members, and the members of each branch of the said several legislatures shall receive a compensation of four dollars per day each during the sessions provided by law, and shall receive such mileage as the law provides;

And the President of the Council and the Speaker of the House of Representatives shall each receive six dollars per day for the same time.

And the several Legislatures at their next sessions are directed to divide their respective Territories into as many council and representative districts as they desire, which districts shall be as nearly equal as practicable taking into consideration population, except "Indians not taxed":

Provided, the number of council districts shall not exceed twelve, and the representative districts shall not exceed twenty four in any one of said Territories, and all parts of sections eighteen hundred and forty-seven, eighteen hundred and forty-nine, eighteen hundred

NOTE.—(1) Similar provisions are contained in the appropriation acts of 1880 and 1881 (21 Stat. L., 223, 396).

(2) By 1874, June 22, ch. 419, ante, p. 40, gold bullion may be applied to the redemption of coin certificates or in exchange for gold coin.

and fifty-three, and nineteen hundred and twenty-two of the Revised Statutes of the United States in conflict with the provisions herein are repealed.

That the subordinate officers of each branch of said Territorial legislatures shall consist of one chief clerk, who shall receive a compensation of six dollars per day; one enrolling and engrossing clerk, at five dollars per day; sergeant-at-arms and doorkeeper, at five dollars per day; one messenger and watchman, at four dollars per day each; and one chaplain, at one dollar and fifty cents per day.

Said sums shall be paid only during the sessions of said legislatures; and no greater number of officers or charges per diem shall be paid or allowed by the United States to any Territory.

And section eighteen hundred and sixty-one of the Revised Statutes is hereby repealed, and this substituted in lieu thereof:

Provided, That for the performance of all official duties imposed by the Territorial legislatures, and not provided for in the organic act, the secretaries of the Territories respectively shall be allowed such fees as may be fixed by the Territorial legislatures.

And in no case shall the expenditure for public printing in any of the Territories exceed the sum of two thousand five hundred dollars for any one year. * *

[*Par. 6.*] That hereafter the expenditure of the contingent expenses of the Post-Office Department shall be expended as specially directed in the law, and according to the appropriations for the items specifically named, and that no moneys appropriated for the specific purposes named under the head of "For contingent expenses of the Post-Office Department" shall be diverted from one purpose to another; and that all moneys unexpended for one or more specific purposes shall be turned into the Treasury, and not expended, by the Superintendent and disbursing-officer, for any object or purpose whatsoever other than the specific ones named in the appropriation for the "Contingent expenses of the Post-Office Department." * *

[*Par. 7.*] And so much of section thirty-six hundred and eighty-nine of the Revised Statutes of the United States as makes the appropriation for "Salaries and expenses of Southern Claims Commission" permanent annual appropriations is hereby repealed. (2) * *

[*Par. 8.*] And so much of section three hundred and forty-nine of the Revised Statutes as provides for the appointment and payment of a salary to a "naval solicitor" is hereby repealed, and the office is abolished. * *

SEC. 3. That all acts or parts of acts inconsistent or in conflict with the provisions of this act are hereby repealed. [*June 19, 1878.*]

NOTE.—(2) The Commission expired by limitation, March 10, 1880.

Subordinate officers of Territorial legislatures.

Repealing
R. S., § 1861.
18 Opins., 540.

In Territories, secretaries to have fees; when.

R. S., § 1843.

Expenses of printing not to exceed \$2,500 a year.
R. S., § 1887.

P. O. Department. Contingent expenses appropriation not to be diverted to other objects.

R. S. §§ 3682, 3683.

Southern Claims Commission—permanent appropriation repealed.

R. S. § 3689, p. 724.

Office of naval solicitor abolished.

R. S., § 349.
1880, June 8, ch. 129, *post*, p. 290.
Repeal.

CHAP. 359.—An act making appropriations for sundry civil expenses of the government for the fiscal year ending June thirtieth, eighteen hundred and seventy-nine, and for other purposes.

Be it enacted, &c. * * [*Par. 1.*] Hereafter no binding shall be done for any department of the government except in plain sheep or cloth, and no books shall be printed and bound except when the same shall be ordered by Congress or are authorized by law, except record and account books which may be bound in Russia leather sheep fleshers and skivers, when authorized by the head of a department, and this restriction shall not apply to the Congressional Library. (1)

And when any department shall require printing to be done the (2) Public Printer shall furnish to such department an estimate of

NOTES.—(1) Nor, by 1879, Jan. 27, ch. 27, Feb. 26, ch. 106, *post*, pp. 209, 221, to the Libraries of the Surgeon-General's office, the Patent office, and the State Department.

(2) See note (1) relating to Public Printing, to 1876, July 31, ch. 246, *par. 1, ante*, p. 114.

June 20, 1878.

20 Stat. L., 206.

Binding at Public Printing Office; what may be done, &c.

R. S., §§ 3785, 3790.

1879, Jan. 27, ch. 27, *post*, p. 209.

16 Opins., 57.
Estimates for printing to be

made and cost charged to departments, &c.

R. S., § 3786.

—clerks.

R. S., § 3762.

Commissioners of D. C. to fix pay of police.

R. S. of D. C., §§ 366, 367, 1878, June 11, ch. 180, §

—and for city gas lights.

1874, June 23, ch. 480, §§ 11, 12, ante, p. 54.

Expenses therefor and for board of health, &c., to be paid by District.

R. S. of D. C., §§ 232-231. 1874, June 23, ch. 480, § 12, ante, p. 54; 1878, June 11, ch. 180, §§ 3, 6, 8, note 8, ante, pp. 175, 176, 178, 179.

Charts of Coast Survey to be sold at cost, and not distributed free, except, &c.

R. S., § 4691.

1879, March 3, ch. 182, par. 2, post, p. 250.

Public advertisements and notices to be paid for at commercial rates.

R. S., §§ 853, 854, 3823-3826.

1876, July 31, ch. 246, par. 2, ante, p. 114. 1881, Jan. 21, ch. 25,

Lower terms may be made.

Signal Service men extra pay.

R. S., § 1287. 1885, March 3, ch. 339, par. 2, post, p. 482. 1890, Oct. 1, ch. 1266, § 8, post, p. 880.

Trees, &c., in Washington public greenhouses, &c.

R. S., § 1827.

Machine for testing iron and steel may be for private use on payment of fees.

1885, March 3, ch. 360, par. 3, post, p. 486.

Western judicial district of Tennessee divided into two divisions.

R. S., § 547.

1878, June 14, ch. 190, ante, p. 181.

the cost by the principal items for said printing so called for; and he shall place to the debit of such department the cost of the same, on certification of the head of the department, Supreme Court, Court of Claims, or Library of Congress, that said printing is necessary;

And the Public Printer is hereby authorized to employ three additional clerks of the third class, to make the estimates. * *

[Par. 2.] Commissioners of the District of Columbia * * The said Commissioners are hereby authorized to (3) fix the salaries to be paid to the officers and privates of the metropolitan police until otherwise provided by law;

6, ante, p. 178. 1879, March 3, ch. 182, § 3, par. 2, post, p. 253.

And to require the Washington Gas-light Company to light the city lamps at such price as shall to the said Commissioners appear to be just and reasonable.

And all expenses heretofore incurred by the general government for the board of health, for the metropolitan police, and for gas inspection, shall hereafter be a charge upon the government of the District. * *

[Par. 3.] That the charts published by the Coast Survey shall be sold at the office at Washington at the price of the printing and paper thereof, and elsewhere at the same price with the average cost of delivery added thereto;

And hereafter there shall be no free distribution of such charts except to the departments of the United States and to the several States and officers of the United States requiring them for public use, in accordance with the act of June third eighteen hundred and forty four. (4) * *

[Par. 4.] That hereafter all advertisements, notices, proposals for contracts, and all forms of advertising required by law for the several departments of the government may be paid for at a price not to exceed the commercial rates charged to private individuals, with the usual discounts; such rates to be ascertained from sworn statements to be furnished by the proprietors or publishers of the newspapers proposing so to advertise: * *

post, p. 314.

[Par. 5.] But the heads of the several departments may secure lower terms at special rates whenever the public interest requires it. * *

[Par. 6.] Signal Service men shall not receive extra duty pay unless specially directed by the Secretary of War. * *

[Par. 7.] Buildings and grounds in and around Washington. * *

Hereafter only such trees, shrubs, and plants shall be propagated at the greenhouses and nursery as are suitable for planting in the public reservations, to which purpose only the said productions of the greenhouses and nursery shall be applied. * *

[Par. 8.] The Secretary of War is hereby authorized to cause the machine built for testing iron and steel to be set up and applied to the testing of iron and steel for all persons who may desire to use it, upon the payment of a suitable fee for each test; the table of fees to be approved by the Secretary of War, and to be so adjusted from time to time as to defray the actual cost of the tests as near as may be; * *

[Par. 9.] That the act entitled "An act to provide for the appointment of a District Judge for the Western District of Tennessee and for other purposes" approved June fourteen, eighteen hundred and seventy eight, be, and the same is hereby, amended as follows:

The Western District of Tennessee is hereby divided into two divisions which shall be known as the Eastern and Western divisions thereof.

NOTES.—(3) The annual appropriation acts, beginning with 1873, March 3, ch. 183 (20 Stat. L., 406), and including the latest, [1891, March 3, ch. 546 (26 Stat. L., 1072), have fixed the number, rank and salaries of the police for each year. There has been no permanent provision of law fixing the salaries. By 1883, Jan. 31, ch. 41, post, p. 397, the number and rank are fixed but the limit has not been regarded. (4) The act of 1844, ch. 37 (5 Stat. L., 660) here referred to, is incorporated into Revised Statutes, § 4601.

The Eastern division shall include the counties of Benton, Carroll, Decatur, Gibson, Henderson, Henry Madison, McNairy, Hardin, Dyer, Lake, Crockett, Weakley, and Obion, and terms of the circuit and district courts of the United States for said District shall be held therein at the town of Jackson, in the County of Madison at least twice in each year at such times as the judges thereof shall respectively fix. * * *

[*Omitted words repealed, 1879, March 3, ch. 182, § 1 (20 Stat. L., 398).*]

The remaining counties embraced in said District shall constitute the Western division thereof, and terms of the district and circuit courts of the United States for said district shall be held therein at the times and place now prescribed by law.

All suits not of a local character which shall be hereafter brought in the district or circuit court of the United States for the Western district of Tennessee, against a single defendant, or where all the defendants reside in the same division of said district shall be brought in the division in which the defendan[t] or defendants reside, but if there are two or more defendants residing in different divisions, such suit may be brought in either division, and duplicate writs may be sent to the other defendants.

The Clerk issuing such duplicate writs shall endorse thereon that it is a true copy of a writ sued out in the proper division of the District and the original and duplicate writs when executed and returned into the office from which they shall have issued shall be proceeded in as one suit, and all the issues of fact in such suits shall be tried in the division where the suit is so brought.

The Clerks of the Circuit and district courts for said district shall each appoint a deputy of their respective courts at the place in the Eastern division of said district where their said courts are required to be held, who shall in the absence of the Clerk, exercise all the powers, and perform all the duties of Clerk within said division:

Provided, That the appointments of such deputies shall be approved by the Court for which they shall be respectively appointed and may be annulled by such Court at its pleasure.

The marshal of said district shall also appoint a deputy for said Eastern division, who shall reside therein, and in the absence of the marshal, perform all the duties devolved upon the marshal by law. * * *

[*Par. 10.*] That the Postmaster-General be, and he is hereby, authorized to adopt a uniform canceling ink or other appliance for canceling stamps which experiments and tests have proved or may prove to be the most practicable and the best calculated to protect the revenues of the department from the frauds practiced upon it, to be used in all the post-offices where stamps are canceled, and he is hereby authorized to distribute said canceling ink or other appliance in the same manner as other supplies are now distributed to the different post-offices in the United States. * * * [June 20, 1878.]

Western district of Tennessee; eastern division and terms of courts therein.

1875, March 3, ch. 198, *ante*, p. 90. 1883, Jan. 15, ch. 25, *post*, p. 392.

— western division and terms of courts therein.

Suits in said district; in which division to be brought.

Duplicate writs in certain cases.

Deputy clerks for eastern division.

R. S., §§ 558, 624.

Deputy marshal for eastern division.

R. S., § 780.

Postmaster-General may adopt uniform canceling ink or appliance for canceling stamps.

R. S., § 3921.

CHAP. 366.—An act to amend section twenty-five hundred and seventeen of the Revised Statutes of the United States, making Gardiner and Richmond, in Maine, ports of entry. (1)

June 20, 1878.

20 Stat. L., 243.

Be it enacted, &c., That section twenty-five hundred and seventeen of the Revised Statutes of the United States is hereby amended by inserting in article ten, after the words "Bowdoinham", the words "Gardiner and Richmond". (1) [June 20, 1878.]

Gardiner and Richmond, Me., to be ports of delivery.

R. S., § 2517, art. 10.

NOTE.—(1) The amendment makes Gardiner and Richmond ports of delivery, and not ports of entry as the title of this act would indicate.

RESOLUTIONS.

May 22, 1878.

20 Stat. L., 251.

NUMBER 22.—Joint resolution providing for the distribution and sale of the new edition of the Revised Statutes of the United States.

Distribution of second edition Revised Statutes.

1877, March 2, ch. 82, and note, ante, p. 133.

1878, Dec. 21, Res. No. 1, post, p. 261.

1890, April 9, ch. 73, post, p. 712.

Resolved, &c., That the fifteen thousand copies of the new edition of the first volume of the Revised Statutes of the United States required by the fourth section of the "Act to provide for the preparation and publication of a new edition of the Revised Statutes of the United States", approved March second, eighteen hundred and seventy-seven, to be printed and bound, shall be disposed of by the Secretary of State as follows:

To the President of the United States, four copies, one of which shall be for the library of the Executive Mansion, and one copy for the use of the Commissioner of Public Buildings;

To the Vice-President of the United States, two copies;

To each Senator, Representative, and Delagate in Congress, to the Secretary of the Senate and to the Clerk of the House of Representatives, one copy;

To the librarian of the Senate, for the use of Senators, one hundred and twenty copies;

To the librarian of the House, for the use of Representatives and Delegates, four hundred and ten copies;

To the Senate of the United States, for distribution, seven hundred and sixty copies;

To the House of Representatives, for distribution, two thousand nine hundred and twenty copies;

To the Library of Congress, fourteen copies, including four copies for the law library;

To the Department of State, for the use of legations and consulates, three hundred and eighty copies;

To the Treasury Department, including those for the use of officers of customs, two hundred and eighty copies;

To the War Department, including five copies for the use of the Military Academy at West Point, fifty-five copies;

To the Navy Department, including three copies for the library of the Naval Academy at Annapolis, a copy for the library of each navy-yard in the United States, a copy for the Brooklyn Naval Lyceum, and a copy for the library of the Naval Institute at Charlestown, Massachusetts, seventy copies;

To the Department of the Interior, including those for the use of the surveyor-general and registers and receivers of land offices, two hundred and fifty-five copies;

To the Department of Justice, including those for the use of the Chief and Associate Justices of the Supreme Court, the judges and officers of the United States and Territorial courts, four hundred and fifty copies;

To the Department of Agriculture, five copies; to the Smithsonian Institution, two copies;

To the Government Printing Office, two copies;

And the Secretary of State shall supply (1) deficiencies and offices newly created.

NOTE.—(1) Provision was made for the Post-Office Department, here omitted, by 1878, Dec. 21, Res. No. 1, post, 261.

1882, Aug. 7, ch. 433, par. 17, post, p. 332.

1878, Dec. 21, Res. No. 1, post, p. 261.

And that the residue of said fifteen thousand volumes, together with any further number thereafter printed and bound, shall, by the Secretary of State, be sold at the cost of paper, press-work, and binding, with ten per centum added thereto;

And said Secretary is authorized to make arrangements with booksellers to keep on sale said Revised Statutes, to be sold as aforesaid, for such part of the ten per centum above actual cost as he may deem just and reasonable.

And whenever the said residue of said fifteen thousand copies shall be exhausted, said Secretary shall cause another five thousand copies to be printed and bound, at the expense of the United States, to be sold in like manner, unless otherwise disposed of by order of Congress;

The cost of the same to be paid from the general appropriation for printing. [May 22, 1878.]

Secretary of State to keep copies for sale.

—may make arrangements with booksellers.

Additional copies to be printed when needed.

NUMBER 26.—Joint resolution providing for issue of arms to Territories.

Be it resolved, &c., That the Secretary of War is hereby authorized to cause to be issued to each of the Territories of the United States (in addition to arms and ammunition the issue of which has been heretofore provided for), such arms not to exceed one thousand in number as he may deem necessary, and ammunition for the same not to exceed fifty ball cartridges for each arm:

Provided, That such issue shall be only from arms owned by the Government of the United States which have been superseded and no longer issued to the Army:

And provided further, That said arms shall be issued only in the following manner, and upon the following conditions, namely, upon the requisition of the governors of said Territories showing the absolute necessity for arms for the protection of citizens and their property against hostile Indians within or of Indian raids into such Territories:

And provided further, That the said governor or governors of said Territories to whom the said arms may be issued shall give good and sufficient bond or bonds for the return of said arms, or payment therefor, at such time as the Secretary of War may designate, as now provided for by law. [June 7, 1878.]

June 7, 1878.

20 Stat.L., 252.

Additional arms to be issued to Territories.

R. S., § 1667.
1876, July 3,
Res. No. 13, and
note, ante, p. 124

1878, May 16, ch.
106, ante, p. 164.

NUMBER 30.—Joint resolution to allow the Secretary of the Navy to purchase plate iron and other material used in the construction of steamboilers for the United States Navy.

Be it resolved, &c., That on and after the passage of this act, the Secretary of the Navy be, and he is hereby authorized to purchase at the lowest market price, such plate iron and other material as may enter into the construction of steam boilers for the Navy without advertising for bids to furnish the same:

Provided, That he shall cause to be sent to the principal dealers and manufacturers of iron and such other materials as may be required specifications of the quality description and character of such iron and materials so required:

And provided further, That such plate iron and materials shall be subjected to the same tests and inspection as now provided for and which inspection and tests shall be made publicly and in presence of such bidders or their authorized agents as may choose to attend at the making thereof. [June 14, 1878.]

June 14, 1878.

20 Stat.L., 253.

Materials for steam-boilers for Navy may be purchased without advertisement.

R. S., § 3709,
3718.

— notices of, to principal dealers.

— subject to test.
R. S., § 4430.

FORTY FIFTH CONGRESS—THIRD SESSION

IN

THE YEARS 1878-1879.

CHAP. 9.—An act changing the time of holding the terms of the United States Circuit Court for the district of West Virginia. (1) December 21, 1878.

Be it enacted, &c., That hereafter the Circuit Court of the United States for the district of West Virginia shall be held at Parkersburg on the tenth day of January and June.

And when either of said dates shall fall on Sunday the term shall commence on the following Monday.

* * [*Part omitted relates to pending cases.*] * * [December 21, 1878.]

NOTE.—(1) By R. S. § 572, the district court for West Virginia is to be held on the days therein named at Clarksburgh, Wheeling, and Charleston. By § 668, the circuit court is to be held once a year at Parkersburg. By 1878, March 9, ch. 27, *ante*, p. 153, the dates of holding the district court are changed, but not the places. By 1888, May 17, ch. 261, *post*, p. 587, both the circuit and district courts are to be held at Martinsburgh once a year. By R. S., § 571, re-enacted by 1877, Jan. 31, ch. 41 (19 Stat. L., 200), circuit court powers were given to the district court of West Virginia, but these were repealed by 1889, Feb. 6, ch. 113, §§ 1, 5, *post*, pp. 688, 689, and circuit courts authorized at all the times and places authorized for district courts.

CHAP. 22.—An act for the protection of dairymen, and to prevent deception in sales of butter and cheese in the District of Columbia. (1) January 25, 1879.

Be it enacted, &c., That every person who shall manufacture for sale, or who shall offer or expose for sale, any article or substance in semblance of butter or cheese, not the legitimate product of the dairy, and not made exclusively of milk or cream, but into which the oil or fat of animals, not produced from milk, enters as a component part, or into which melted butter, or any oil thereof, has been introduced to take the place of cream, shall distinctly and durably stamp, brand, or mark upon every tub, firkin, box or package of such (2) article or substance, the word Oleo-Margarine, in plain Roman letters, not less than half an inch square placed horizontally in proper order thus:

OLEO-MARGARINE.

And in case of retail sales of such article or substance in parcels the seller shall in all cases deliver therewith to the purchaser a written or printed label bearing the plainly written or printed word Oleo-Margarine, in type or letters as aforesaid:

And every sale of such article or substance not so stamped, branded, marked, or labeled shall be void, and no action shall be maintained for the price thereof.

NOTE.—(1) See 1888, Oct. 12, ch. 1090, *post*, p. 627, to prevent adulteration of food in District of Columbia, and particularly § 4, making it a misdemeanor to sell food not of the nature, substance, or quality demanded by the purchaser.

(2) The oleomargarine tax act of 1886, Aug. 2, ch. 840, § 6, *post*, p. 506, makes provisions for the sale of oleomargarine at wholesale only in packages marked, stamped, and branded as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe. Sales by manufacturers and wholesale dealers must be in the original stamped packages, and by retail dealers only from such packages. To what extent, if any, the later act supersedes the above act of 1879 in the District of Columbia has not been the subject of any reported judicial decision.

20 Stat. L., 259.

Circuit court at Parkersburg, W. Va., in January and June.

R. S., § 658.
1878, Mar. 9, ch. 27, *ante*, p. 153.
1888, May 17, ch. 261, *post*, p. 587.
1889, Feb. 6, ch. 113, *post*, p. 688.

20 Stat. L., 264.

In District of Columbia, butter and cheese made of fat, &c., to have packages stamped Oleo-Margarine.

Oleo-margarine: sale of, to be accompanied with label.

1886, Aug. 2, ch. 840, *post*, p. 505.

Oleomargarine.
Penalty for selling or having in possession contrary to act.

—penalty for selling without label.

SEC. 2. That every person who shall sell, or offer to sell, or have in his or her possession with intent to sell, contrary to the provisions of this act, any of the said article or substance required by the first section of this act to be stamped, marked, or labeled as therein stated, not so stamped, marked, or labeled, or in case of a retail sale without delivery of a label required by section one of this act, shall, for each such offense, forfeit and pay a fine of one hundred dollars, to be recovered by indictment in any court of the District of Columbia of competent jurisdiction for the trial of misdemeanors, and the one-half of such fine when paid to go to the informer, and the residue to be paid into the treasury of the District of Columbia.

SEC. 3. That every person who shall sell, or offer or expose for sale, or who shall cause or procure to be sold, or offered or exposed for sale, any article or substance required by the first section of this act to be marked, branded, stamped, or labeled, not so marked, branded, stamped, or labeled, shall be guilty of a misdemeanor, and, on trial for such misdemeanor, proof of the sale or offer or exposal alleged shall be presumptive evidence of knowledge of the character of the article so sold or offered. [January 25, 1879.]

Jan. 25, 1879.

20 Stat. L., 265.

CHAP. 23.—An act to provide that all pensions on account of death, or wounds received, or disease contracted in the service of the United States during the late war of the rebellion, which have been granted, or which shall hereafter be granted, shall commence from the date of death or discharge from the service of the United States; for the payment of arrears of pensions, and other purposes.

Pensions on account of death, wounds, &c., in late rebellion; when to commence.

R. S., §§ 4709–4713.

1879, March 3, ch. 187, *post*, pp. 256, 257.

1888, June 7, ch. 369, *post*, p. 589.

16 Opins., 374, 639.

—rules to be adopted by Commissioner.

R. S., § 4718.

1890, June 30, ch. 639, par. 1, *post*, p. 761.

Requirement repealed that claims shall not be prosecuted after five years from date of filing, except, &c.

Repeal of

R. S., § 4717.

Be it enacted, &c., That all pensions which have been granted under the general laws regulating pensions, or may hereafter be granted, in consequence of death from a cause which originated in the United States service during the continuance of the late war of the rebellion, or in consequence of wounds, injuries, or disease received or contracted in said service during said war of the rebellion, shall commence from the date of the death or discharge from said service of the person on whose account the claim has been or shall hereafter be granted, or from the termination of the right of the party having prior title to such pension:

* * [Part omitted superseded by 1879, March 3, ch. 187, § 1, *post*, pp. 256, 257.] * *

SEC. 2. That the Commissioner of Pensions is hereby authorized and directed to adopt such rules and regulations for the payment of the arrears of pensions hereby granted as will be necessary to cause to be paid to such pensioners, or, if the pensioners shall have died, to the person or persons entitled to the same, all such arrears of pension as the pensioner may be, or would have been, entitled to under this act.

SEC. 3. That section forty-seven hundred and seventeen of the Revised Statutes of the United States, which provides that “No claim for pension not prosecuted to a successful issue within five years from the date of filing the same shall be admitted without record evidence from the War or Navy Department of the injury or the disease which resulted in the disability or death of the person on whose account the claim is made: *Provided*, That in any case in which the limitation prescribed by this section bars the further prosecution of the claim, the claimant may present, through the Pension Office, to the Adjutant-General of the Army or the Surgeon-General of the Navy, evidence that the disease or injury which resulted in the disability or death of the person on whose account the claim is made originated in the service and in the line of duty; and if such evidence is deemed satisfactory by the officer to whom it may be submitted, he shall cause a record of the fact so proved to be made, and a copy of the same to be transmitted to the Commissioner

of Pensions, and the bar to the prosecution of the claim shall thereby be removed", be, and the same is hereby, repealed.

SEC. 4. No claim agent or other person shall be entitled to receive any compensation for services in making application for arrears of pension.

SEC. 5. That all acts or parts of acts so far as they may conflict with the provisions of this act be, and the same are hereby, repealed. [January 25, 1879.]

Agents, &c., not to have fee.
R. S., § 4785.
Repeal.

CHAP. 27.—An act to amend an act entitled "An act making appropriations for sundry civil expenses of the government for the fiscal year ending June thirtieth, eighteen hundred and seventy-nine, and for other purposes," approved June twentieth, eighteen hundred and seventy-eight.

Jan. 27, 1879.
20 Stat. L., 267.

Be it enacted, &c., That the act entitled "An act making appropriations for sundry civil expenses of the government for the fiscal year ending June thirtieth, eighteen hundred and seventy-nine, and for other purposes", approved June twentieth, eighteen hundred and seventy-eight, be, and the same is hereby, amended by adding to the clause of said act relating to the binding of books for the departments of the government, after the words "Congressional Library", the following words; "nor to the Library of the Surgeon-General's Office". [January 27, 1879.]

Restrictions as to binding not to apply to library of Surgeon-General's office.
R. S., §§ 3785, 3790.
1878, June 20, ch. 359, par. 1, ante, p. 201.

CHAP. 28.—An act making appropriations for the consular and diplomatic service of the government for the year ending June thirtieth, eighteen hundred and eighty, and for other purposes.

Jan. 27, 1879.
20 Stat. L., 267.

Be it enacted, &c., * * [Par. 1.] And it shall be the duty of consuls to make to the Secretary of State a quarterly statement of exports from, and imports to, the different places to which they are accredited, giving, as near as may be, the market price of the various articles of exports and imports, the duty and port charges, if any, on articles imported and exported, together with such general information as they may be able to obtain as to how, where, and through what channels a market may be opened for American products and manufactures.

Consuls to make quarterly statement of exports and imports, with market price, &c.
R. S., § 1712.
1888, June 18, ch. 393, post, p. 592.

In addition to the duties now imposed by law, it shall be the duty of consuls and commercial agents of the United States, annually, to procure and transmit to the Department of State, as far as practicable, information respecting the rate of wages paid for skilled and unskilled labor within their respective jurisdictions. * *

Commercial agents to transmit information as to rate of wages.

[Par. 2.] And the salaries provided in this act for the officers within named respectively shall be in full for the annual salaries thereof from and after the first day of July, eighteen hundred and seventy-nine; and all laws and parts of laws in conflict with the provisions of this act are hereby repealed. (1) * * [January 27, 1879.]

Salaries here provided to be in full after July 1, 1879, and repeal of laws in conflict therewith.

NOTE.—(1) This act makes appropriations for one year only, but the last clause of the act as here printed provides (as did that for the previous year, 20 Stat. L., 91, 95), that the salaries therein provided shall be in full after the ensuing 1st of July, and repeals all laws in conflict therewith. That provision does not appear in subsequent acts, but the act of 1866, July 1, ch. 600 (24 Stat. L., 106) and subsequent acts provide that the amounts appropriated shall be "in full compensation for the diplomatic and consular service of the fiscal year."—a provision which has been decided to have the effect of limiting the officer's compensation to the amount thus appropriated (109 U. S. 143). The salaries fixed by this act being thus practically superseded, are here omitted, but may be found in 20 Stat. L., 267-273. For decisions as to diplomatic and consular salaries and fees, see 10 Wall., 62; 118 U. S., 369; 123 U. S., 182; 133 U. S., 190, 273.

CHAP. 30.—An act defining the manner in which certain land-scrip may be assigned and located, or applied by actual settlers, and providing for the issue of patents in the name of the locator or his legal representatives.

Jan. 28, 1879.
20 Stat. L., 274.

Be it enacted, &c., That whenever, in cases prosecuted under the acts of Congress of June twenty-second, eighteen hundred and sixty, March second, eighteen hundred and sixty-seven, and the first section of the act of June tenth, eighteen hundred and seventy-two,

Private land claims in Florida, Louisiana, and Missouri: when

recognized by Supreme Court; certificates for, how issued.

1860, ch. 188 (12 Stat. L., 85).

1867, ch. 184 (14 Stat. L., 544).

1872, ch. 421 (17 Stat. L., 378).

Certificates may be subdivided.

— are assignable.

— receivable for preemption and homestead claims.

— location, and patent for.

Provisions applicable to indemnity certificates under act of 1858, ch. 81 (11 Stat. L., 294).

Jan. 29, 1879.

20 Stat. L., 276.

Detail of company cooks in Army abolished.

Repealing R. S., § 1233.

Jan. 31, 1879.

20 Stat. L., 277.

Holidays in District of Columbia:

providing for the adjustment of private land-claims in the States of Florida, Louisiana and Missouri, the validity of the claim has been, or shall be hereafter, recognized by the Supreme Court of the United States, and the court has decreed that the plaintiff or plaintiffs is or are entitled to enter a certain number of acres upon the public lands of the United States, subject to private entry at one dollar and twenty-five cents per acre, or to receive certificate of location for as much of the land the title to which has been established as has been disposed of by the United States, certificate of location shall be issued by the Commissioner of the General Land Office attested by the seal of said office, to be located as provided for in the sixth section of the aforesaid act of Congress of June twenty-second, eighteen hundred and sixty, or applied according to the provisions of the second section of this act;

And said certificate of location or scrip shall be subdivided according to the request of the confirmer or confirmeres, and, as nearly as practicable, in conformity with the legal divisions and subdivisions of the public lands of the United States, and shall be, and are hereby declared to be, assignable by deed or instrument of writing, according to the form and pursuant to regulations prescribed by the Commissioner of the General Land Office, so as to vest the assignee with all the rights of the original owners of the scrip, including the right to locate the scrip in his own name.

SEC. 2. That such scrip shall be received from actual settlers only in payment of pre-emption claims or in commutation of homestead claims, in the same manner and to the same extent as is now authorized by law in the case of military bounty-land warrants.

SEC. 3. That the register of the proper land-office, upon any such certificate being located, shall issue, in the name of the party making the location, a certificate of entry, upon which, if it shall appear to the satisfaction of the Commissioner of the General Land Office that such certificate has been fairly obtained, according to the true intent and meaning of this act, a patent shall issue, as in other cases, in the name of the locator or his legal representative.

SEC. 4. That the provisions of this act respecting the assignment and patenting of scrip and its application to pre-emption and homestead claims shall apply to the indemnity-certificates of location provided for by the act of the second of June, eighteen hundred and fifty-eight, entitled "An act to provide for the location of certain confirmed private land-claims in the State of Missouri, and for other purposes." [January 28, 1879.]

CHAP. 34.—An act to repeal section twelve hundred and thirty-three of the Revised Statutes relating to company cooks in the Army.

Be it enacted, &c., That section twelve hundred and thirty-three of the Revised Statutes be, and the same is hereby, repealed. [January 29, 1879.]

CHAP. 38.—An act to amend section nine hundred and ninety-three of the Revised Statutes of the United States for the District of Columbia, so as to make the twenty-second day of February a holiday within said District.

Be it enacted, &c., That section nine hundred and ninety-three (1) of the Revised Statutes of the United States relating to the District

NOTE.—(1) The Revised Statutes of the District of Columbia, here referred to, provide as follows: SEC. 993. The following days, namely: The first day of January, commonly called *New Year's day*; the fourth day of July; the twenty-fifth day of December, commonly called *Christmas day*; and any day appointed or recommended by the President of the United States as a day of public fast or thanksgiving, shall be holidays within the District, and shall for all purposes of presenting for payment or acceptance, for the maturity and protest, and giving notice of the dishonor of bills of exchange, bank bills, and promissory notes, or other negotiable or commercial paper, be treated and considered as the first day of the week, commonly called Sunday.

And all notes, drafts, checks, or other commercial or negotiable paper falling due or maturing on either of said holidays shall be deemed as having matured on the day previous.

Other acts make holidays, of *Inauguration day*, 1868, June 18, ch. 391, post, p. 522; *Decoration day*, 1868, August 1, ch. 723, post, p. 600; and *Monday, when either falls on Sunday*, 1881, Dec. 21, ch. 2, post, p. 331, and give per diem pay to employees, 1865, Jan. 6, Res. No. 5, post, p. 498, and 1867, Feb. 23, Res. No. 6, post, p. 574.

of Columbia be, and the same hereby is, amended by adding to the days therein declared to be holidays within the District the twenty-second day of February; and such day shall be a holiday for all the purposes mentioned in said section: *Provided*, That this act shall not apply to the twenty-second day of February, eighteen hundred and seventy-nine. [*January 31, 1879.*]

22d of February.
New Year's day.
Fourth of July.
Christmas.
Fast day.
Thanksgiving.
Presidential Inauguration day.
Decoration day.
Monday, when either falls on Sunday.

CHAP. 39.—An act to amend the Revised Statutes of the United States relating to the records and files of district and circuit courts of the United States lost or destroyed.

Jan. 31, 1879.

20 Stat. L., 277.

Be it enacted, &c. That section nine hundred and two of the Revised Statutes of the United States is hereby amended so as to read as follows:

In any proceedings in conformity with law to restore the records of any court of the United States which have been or may be hereafter lost or destroyed, the notice required may be served on any non-resident of the district in which such court is held anywhere within the jurisdiction of the United States, or in any foreign country; the proof of 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.

In proceedings to restore lost or destroyed records of courts; notice, how served on non-residents.

Substitute for
R. S., § 902.

SEC. 2. That section nine hundred and three of said Revised Statutes is hereby amended so as to read as follows:

A certified copy of the official return, or any other official paper of the United States attorney, marshal, or clerk, or other certifying or recording officer of any court of the United States, made in pursuance of law, and on file in any department of the government, relating to any cause or matter to which the United States was a party in any such court, the record of which has been or may be lost or destroyed, may be filed in the court to which it appertains, and shall have the same force and effect as if it were an original report, return, paper, or other document made to or filed in such court;

—certified copies of official papers on file in any Department may be filed in court and have same force as original in cases where United States are parties, and judgment, etc., may issue thereon.

Substitute for
R. S., § 903.

And in any case in which the names of the parties and the date and amount of judgment or decree shall appear from such return, paper, or document, it shall be lawful for the court in which they are filed to issue the proper process to enforce such decree or judgment, in the same manner as if the original record remained in said court.

And in all cases where any of the files, papers, or records of any court of the United States have been or shall be lost or destroyed, the files, records, and papers which, pursuant to law, may have been or may be restored or supplied in place of such records, files, and papers, shall have the same force and effect, to all intents and purposes, as the originals thereof would have been entitled to.

—force and effect of papers restored or supplied in all cases of lost records.

R. S., § 903.

SEC. 3. That section nine hundred and four of said Revised Statutes be amended so as to read as follows:

That whenever any of the records or files in which the United States are interested of any court of the United States have been or may be lost or destroyed, it shall be the duty of the attorney of the United States for the district or court to which such files and records belong, so far as the judges of such courts respectively shall deem it essential to the interests of the United States that such records and files to be restored or supplied, to take such steps, under the direction of said judges, as may be necessary to effect such restoration or substitution, including such dockets, indices, and other books and papers as said judge shall think proper.

In cases in which the United States are interested, steps to be taken by judges, district attorneys, and clerks for restoration of lost records.

Substitute for
R. S., § 904.

Said judges may direct the performance, by the clerks of said courts respectively and by the United States attorneys, of any duties incident thereto;

—compensation of clerks and attorneys.

And said clerks and attorneys shall be allowed such compensation for services in the matter and for lawful disbursements as may be approved by the Attorney-General of the United States, upon a certificate by the judges of said courts stating that such claim for services and disbursements is just and reasonable; and the sum so allowed shall be paid out of the judiciary fund. [January 31, 1879.]

Feb. 3, 1879.

CHAP. 40.—An act to provide for taking testimony, to be used before Congress, in cases of private claims against the United States.

20 Stat. L., 278.

Testimony in private claims before Congress may be taken before masters in chancery.

1883, March 3, ch. 116, § 1; 1884, June 26, ch. 123; 1887,

Proceedings before master.

Be it enacted, &c., That any committee of either house of Congress before which any private claim against the United States may at any time be pending, being first thereto authorized by the House appointing them, may order testimony to be taken, and books and papers to be examined, and copies thereof, proved, before any standing master in chancery of the circuit of the United States within the judicial district where such testimony or evidence is to be taken.

Such master in chancery, upon receiving a copy of the order of such committee, signed by its chairman, setting forth the time and place when and where such examination is to be had, the questions to be investigated, and, so far as may be known to the committee, the names of the witnesses to be examined on the part of the United States, and the general nature of the books, papers, and documents to be proved, if known, shall proceed to give to such private parties reasonable notice of the time and place of such examination, unless such notice shall have been or shall be given by such committee or its chairman, or by the attorney or agent of the United States, or waived by such private party.

And such master shall issue subpoenas for such witnesses as may have been named in the order of such committee, and such others as the agent or other representative of the United States hereinafter mentioned shall request.

And he shall also issue subpoenas at the request of such private party, or parties, for such witnesses within such judicial district as they may desire:

United States not liable for fees.

Provided, That the United States shall not be liable for the fees of any officer for serving any subpoena for any private party, nor for the fees of any witness on behalf of such party.

Committee may direct district attorney or appoint an agent or one of its own members to attend examination.

Said committee may inform the district attorney of the United States for the district where the testimony is to be taken of the time, place, and object of such examination, and request his attendance in behalf of the government in conducting such examination, in which case it shall be his duty to attend in person, or by an assistant employed by him, to conduct such examination on the part of the United States, or such committee may, at its option, appoint an agent or attorney, or one of its own members, for that purpose, as they may deem best; and in that event, if the committee shall not be unanimous, the minority of the committee may also appoint such agent or attorney of member of such committee to attend and take part in such examination.

Subpoenas to be served by marshal or by person appointed by master.

SEC. 2. It shall be the duty of the marshal of the United States for the district in which the testimony is to be taken to serve, or cause to be served, all subpoenas issued in behalf of the United States under this act, in the same manner as if issued by the circuit court for his district; and he shall, upon being first paid his fees therefor, serve any subpoenas that may be issued at the instance of such private party or parties.

Master's powers.

And the said master may, in his discretion, appoint any other person to serve any subpoena.

Such master shall have full power to administer oaths to witnesses, and the same power to issue attachments to compel the attendance of witnesses and the production of books, papers and documents, as the circuit or district court of his district would have in a case pending before it; and it shall be his duty to report the conduct of contumacious witnesses before him to the house of Congress appointing such committee.

The compensation of such master in chancery, and of marshals and deputy marshals, and of any person appointed to serve papers, shall be the same as for like services in equity cases in the circuit court of the United States; Compensation of masters, marshals, and witnesses.
R. S., §§ 829, 848.

And the compensation of witnesses shall be the same as for like attendance and travel of witnesses before such circuit courts;

And all such fees and compensation of officers and witnesses on behalf of the United States, and other expenses of all investigations which may be had under the provisions of this act on the part of the United States, shall be paid out of the contingent fund of the branch of Congress appointing such committee. Expenses, how paid.
14 C. Cls., 539.

Said master, when the examination is concluded, shall attach together all the depositions and exhibits, and attach thereto his certificate setting forth or referring to the authority by which they were taken, any notices he may have given, the names of the witnesses for whom subpoenas or attachments were issued, the names of witnesses who attended, with the time of attendance and mileage and fees of each witness on behalf of the United States, which he may require to be shown by affidavit, his own fees, the fees of the marshal, his deputies or other persons serving papers, giving the items, and such other facts in relation to the circumstances connected with the taking of the depositions as he may deem material. Master to make return of proceedings to committee.

He shall then seal up such depositions and papers securely, direct them to the chairman of such committee at Washington, stating briefly on the outside the nature of the contents, and place the same in the post-office, paying the postage thereon; and said package shall be opened only in the presence of such committee.

The chairman of any committee ordering testimony to be taken under this act shall, at least ten days before the time fixed for such examination, and within two days after the adoption of such order, cause a copy thereof to be directed and delivered to the Attorney-General of the United States, or sent to him by mail at the Department of Justice, to enable him to give such instructions as he may deem best to the district attorney of the district where such testimony is to be taken, who may, and, if required by the Attorney-General, shall, though not requested by the committee, appear for the United States in person or by assistant, and take such part in such examination as the Attorney-General shall direct. [*February 3, 1879.*] Chairman to notify Attorney-General of order, &c., to take testimony.

CHAP. 42.—An act to amend section five thousand four hundred and ninety-seven of the Revised Statutes relating to embezzlement by officers of the United States.

Feb. 3, 1879.

20 Stat. L., 280.

Be it enacted, &c., That section five thousand four hundred and ninety-seven of the Revised Statutes of the United States be, and the same is hereby, amended by adding at the end thereof the following, to wit:

“And any officer connected with, or employed in, the internal-revenue service of the United States, and any assistant of such officer, who shall embezzle or wrongfully convert to his own use any money or other property of the United States, and any officer of the United States, or any assistant of such officer, who shall embezzle or wrongfully convert to his own use any money or property which may have come into his possession or under his control in the execution of such

Embezzlement by internal revenue officers and their assistants; how punished.
R. S., § 5497.

office or employment, or under color or claim of authority as such officer or assistant, whether the same shall be the money or property of the United States or of some other person or party, shall, where the offense is not otherwise punishable by some statute of the United States, be punished by a fine equal to the value of the money and property thus embezzled or converted, or by imprisonment not less than three months nor more than ten years, or by both such fine and imprisonment." [February 3, 1879.]

Feb. 3, 1879.

20 Stat. L., 280.

Judicial districts in Florida: northern and southern. R. S., § 534.

Courts to be held at Tampa on first Monday in March. R.S., §§ 572, 658.

CHAP. 43.—An act to extend the jurisdiction of the district and circuit courts of the United States for the southern district of Florida.

Be it enacted, &c. That from and after the passage of this act the southern judicial district of the State of Florida shall embrace the counties of Hernando, Hillsborough, Polk, Manatee, and Mouroe, in said State; and all the Territory within the remaining counties shall constitute the northern judicial district.

SEC. 2. That a term of the district and circuit courts of the United States shall be held in each year at Tampa, in said district, commencing on the first Monday in March (1):

Provided, That nothing herein contained shall be construed to impair or affect the jurisdiction of the district court of the United States for the northern district of Florida in any case, civil or criminal, pending therein at the time of the passage of this act. But the same shall be proceeded in to final disposition as if this act had not been passed. [February 3, 1879.]

NOTE.—(1) Altered to second Monday in February by 1886, June 20, ch. 581, *post*, p. 500.

Feb. 3, 1879.

20 Stat. L., 281.

Headstones for soldiers' graves in private cemeteries may be erected by Secretary of War.

R. S., § 4877.
1876, July 24, ch. 226, § 1, *ante*, p. 113.

Record of all soldiers for whom headstones are erected to be preserved.

CHAP. 44.—An act authorizing the Secretary of War to erect headstones over the graves of Union soldiers who have been interred in private, village, or city cemeteries.

Be it enacted, &c., That the Secretary of War is hereby authorized to erect headstones over the graves of soldiers who served in the Regular or Volunteer Army of the United States during the war for the Union, and who have been buried in private village or city cemeteries, in the same manner as provided by the law of March third, eighteen hundred and seventy-three, (1) for those interred in national military cemeteries;

And for this purpose, and for the expenses incident to such work, so much of the appropriation of one million dollars, made in the act above mentioned, as has not been expended, and as may be necessary, is hereby made available.

The Secretary of War shall cause to be preserved in the records of his Department the names and places of burial of all soldiers for whom such headstones shall have been erected by authority of this or any former acts. [February 3, 1879.]

NOTE.—(1) The provisions of the act of 1873, ch. 229 (17 Stat. L., 545), here referred to, are (so far as permanent) incorporated into Revised Statutes, § 4877.

Feb. 4, 1879.

20 Stat. L., 281.

Sureties on postmasters' bonds to be notified of deficiencies in accounts.

CHAP. 45.—An act to amend section thirty-eight hundred and thirty-five of the Revised Statutes of the United States relating to deficiency in postmasters' accounts.

Be it enacted, &c., That section thirty-eight hundred and thirty-five of the Revised States is amended by adding the following:

"Hereafter, when a deficiency shall be discovered in the accounts of any postmaster, who after the adjustment of his accounts fails, to

make good such deficiency, it shall be the duty of the Sixth Auditor of the Treasury Department to notify the Postmaster-General of such failure, and upon receiving such notice the Postmaster-General shall forthwith deposit a notice in the post-office at Washington, District of Columbia, addressed to the sureties respectively upon the bonds of said postmaster, at the office where he or they may reside, if known;

. But a failure to give or mail such notice shall not discharge such surety or sureties upon such bond. [*February 4, 1879.*]

R. S., § 3835.
1887, March 3,
ch. 359, § 3, *post*,
p. 560.
1888, Aug. 8, ch.
787, *post*, p. 605.

CHAP. 48.—An act to create an additional land-district in the Territory of Idaho.

Be it enacted, &c., That all that portion of the Territory of Idaho described and bounded as follows, namely:

Commencing at the southeastern corner of said Territory; thence running west on the line between said Territory and the Territory of Utah to the line between ranges numbered twenty-three and twenty-four east, Boise meridian; thence north to the southern boundary of Lemhi County; thence west to the western line of said Lemhi County; thence north on said western line of said county to the line between the Territories of Idaho and Montana; thence easterly on said Territorial line to the eastern boundary of the Territory of Idaho; thence south on the line of the eastern boundary of Idaho Territory to the place of beginning, shall constitute a separate land district, to be called Oneida land-district, the office of which shall be located at Oxford, in Oneida County:

Provided, The President of the United States may change the location of said land-office, from time to time, as the public interests may require.

SEC. 2. That the President shall appoint, by and with the advice and consent of the Senate, or during the recess thereof, a register and a receiver of public moneys for said district; and said officers shall reside in the place where said land-office is located, and shall have the same powers and responsibilities; and shall receive the same fees and emoluments as like officers now receive in other land-offices in said Territory.

SEC. 3. That all persons in said district who, prior to the opening of said Oneida land-office, shall have filed their declaratory statements, or application for pre-emption, homestead, or other land rights, in any land-office, in said Territory of Idaho, shall hereafter make proofs and entries at said Oneida land-office; and all unfinished business in any other land-office relating exclusively to lands in said Oneida land-district shall be transferred to said Oneida land-office when notified by the officers of the opening thereof. [*February 4, 1879.*]

Feb. 4, 1879.

20 Stat. L., 292.
Oneida land dis-
trict in Idaho;
how bounded.
R. S., § 2256.

—office of, at
Oneida, but may
be changed by
President.

—register and re-
ceiver of.
R. S., §§ 2234-
2247.

—unfinished busi-
ness transferred
to, etc.

CHAP. 49.—An act declaratory of the law relating to descents and inheritance in the District of Columbia in certain cases.

Feb. 6, 1879.

Be it enacted, &c., That the issue of any marriage of colored persons, contracted and entered into according to any custom prevailing at the time in any of the States wherein the same occurred, shall, for all purposes of descent and inheritance and the transmission of both real and personal property within the District of Columbia, be deemed and held to be legitimate, and capable of inheriting and transmitting inheritance, and taking as next of kin and distributee according to law, from and to their parents, or either of them, and from and to those from whom such parents, or either of them, may

20 Stat. L., 292.
District Colum-
bia.

Issue of colored
persons married
according to cus-
tom prevailing at
time and place
may take and
transmit property
by inheritance,
&c., as legitimate.

R. S. of D. C., inherit or transmit inheritance, anything in the laws of such State to the contrary notwithstanding: §§ 724-726.

Provided, That nothing herein shall be construed as implying that any such marriage is not valid, or such issue legitimate for all other purposes.

When act takes effect.

SEC. 2. This act shall take effect and be in force from and after its passage. [February 6, 1879.]

February 6, 1879.

CHAP. 50.—An act relating to tax-sales and taxes in the District of Columbia.

20 Stat. L., 283.

In D. C., list of lots sold for taxes, in whose name assessed, to be kept, &c.

1877, Mar. 3, ch. 117, § 5, *ante*, p. 142.

1887, Jan. 26, ch. 41, *post*, p. 519.

1890, Mar. 24, ch. 40, *post*, p. 709.

Collector to furnish certified statement of taxes due on any land when called upon, and any tax omitted therefrom shall cease to be lien as against subsequent purchasers.

Be it enacted, &c., That it shall be the duty of the collector of taxes for the District of Columbia to prepare and keep in his office, for public inspection, a list of lots and squares, arranged in numerical order, of all real estate in the city of Washington heretofore sold, or which may hereafter be sold, for the non-payment of any general or special tax or assessment levied or assessed upon the same, said list to show the date of sale and for what taxes sold; in whose name assessed at the time of sale; the amount for which the same was sold; when and to whom conveyed if deeded, or, if redeemed from said sale, the date of redemption.

And it shall be the duty of said collector, whenever called upon, to furnish, in addition to the regular tax-bills, a certified statement, over his hand and official seal, of all taxes and assessments general and special, that may be due and unpaid at the time of making said certificate, and which may in any manner be a lien upon any real estate located in said District; and for each and every certificate so furnished by said collector, the party requesting the same, shall pay into the treasury of said District a fee of fifty cents; and said certificate when furnished as aforesaid, shall be a bar to the collection and recovery, from any subsequent purchaser, of any tax or assessment omitted from and which may be a lien upon the real estate mentioned in said certificate, and said lien shall be discharged as to such subsequent purchaser but shall not affect the liability of the person who owned the property at the time such tax was assessed to pay the same.

Records relating to property open to inspection.

1885, Feb. 25, ch. 145, par. 1,

post, p. 476. 1878, Feb. 4, ch. 12, § 3, *ante*, p. 151.

And it is hereby declared that all public records which have any reference, or in any way relate, to real or personal property in said District, shall be open to the public for inspection free of charge. [February 6, 1879.]

February 14, 1879.

CHAP. 68.—An act making appropriations for the naval service for the year ending June thirtieth, eighteen hundred and eighty, and for other purposes.

20 Stat. L., 284.

Be it enacted, &c. * *

Value of issues of small-stores to be credited to "small-stores fund" how used.

R. S., § 3618.

1890, June 30, ch. 640, par. 2, *post*, p. 762.

Board of Visitors to Naval Academy; how appointed, &c.

[Par. 1.] Bureau of Provisions and Clothing. * * That from and after the first day of April, eighteen hundred and seventy-nine, the value of issues of small-stores shall be credited to a fund to be designated as the "small-stores fund", in the same manner as the value of the issues of clothing is now credited to the "clothing fund"; the resources of the fund to be used hereafter in the purchase of supplies of small-stores for issue. * *

[Par. 2.] Naval Academy. * * That from and after the passage of this act 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.

Each member of said board shall receive not exceeding (1) eight cents per mile traveled by the most direct route from his residence to Annapolis, and eight cents per mile for each mile from said place to his residence on returning. * * [February 14, 1879.]

NOTE.—(1) See note on mileage to 1875, March 3, ch. 1313, par. 1, ante, p. 81.

CHAP. 81.—An act to relieve certain legal disabilities of women.

Be it enacted, &c., That any woman who shall have been a member of the bar of the highest court of any State or Territory or of the Supreme Court of the District of Columbia for the space of three years, and shall have maintained a good standing before such court, and who shall be a person of good moral character, shall, on motion, and the production of such record, be admitted to practice before the Supreme Court of the United States. [February 15, 1879.]

February 15, 1879.

20 Stat. L., 292.

Women may be admitted to practice in Supreme Court of United States.

R. S., § 747.

16 Wall., 130.

CHAP. 83.—An act to abolish the Volunteer Navy of the United States.

Be it enacted, &c. [Section 1 expired.]

SEC. 2. That from and after the passage of this act the Secretary of the Navy shall not appoint acting assistant surgeons for temporary service, as authorized by section fourteen hundred and eleven, Revised Statutes, except in case of war. [February 15, 1879.]

February 15, 1879.

20 Stat. L., 294.

Acting assistant surgeons no longer to be appointed.

R. S., § 1411.

CHAP. 97.—An act to create the northern judicial district of the State of Texas, and to change the eastern and western judicial districts of said State, and to fix the time and places of holding courts in said district. (1)

February 24, 1879.

20 Stat. L., 318.

Be it enacted, &c., That a judicial district is hereby created in the State of Texas, to be called the northern judicial district of said State, and the territory embraced in the following-named counties, as now constituted, shall compose said district, namely:

Brazos, Robertson, Leon, Limestone, Freestone, Navarro, Ellis, Kaufman, Dallas, Rockwall, Hunt, Fannin, Lamar, Delta, Collin, Grayson, Cooke, Denton, Tarrant, Johnson, Hill, McLennan, Falls, Bell, Coryell, Hamilton, Bosque, Comanche, Erath, Somerville, Hood, Parker, Palo Pinto, Jack, Wise, Montague, Clay, Archer, Wichita, Wilbarger, Hardeman, Knox, Baylor, Haskell, Throck-

Judicial districts in Texas.

R. S., § 548.

Northern district.

1879, June 11, ch.

18, § 4, post, p. 266.

1883, Jan. 6, ch.

13, § 3, post, p. 390.

1884, June 3, ch.

64, post, p. 438.

NOTE.—(1) By R. S., § 548, the State of Texas is divided into the eastern and western judicial districts and by § 572, p. 101, and § 658, p. 122, sessions of the circuit and district courts are held at Brownsville and Galveston in the eastern and at Austin and Tyler in the western district. By 1879, Feb. 24, ch. 97, above, the northern district is created, with courts at Waco, Dallas, and Graham, the boundaries of the other districts changed and by § 4 (20 Stat. L., 318), courts directed to be held at Galveston, Tyler, and Jefferson in the eastern, and Brownsville, San Antonio, and Austin in the western district. By 1879, June 11, ch. 18, post, p. 266, and 1880, June 14, ch. 213, post, p. 297, some minor changes (see notes 2, 3) are made in the provisions of this law. By 1883, Jan. 6, ch. 13, § 3, post, p. 390, a part of the Indian Territory is annexed to the northern district of Texas, modifying R. S., § 533, which made the whole Indian Territory a part of the western district of Arkansas. By 1884, June 3, ch. 64, § 1 (23 Stat. L., 35), court is to be held at El Paso in the western district and the places already named in the act of 1879, and by § 2, post, p. 438, certain counties are placed within the jurisdiction of the court at El Paso. By 1884, June 20, ch. 102, post, p. 439, the times are fixed for holding court in the eastern and northern districts. By 1889, March 1, ch. 333, § 17, post, p. 674, a part of the Indian Territory is annexed to the eastern judicial district of Texas and this, with four counties of Texas, is made a division of that district, the courts to be held at Paris, Tex. By 1890, Feb. 4, ch. 5, post, p. 708, the times of holding court in the western district are changed. By 1890, Mar. 2, ch. 182, § 9, post, p. 724, the jurisdiction of the Texas courts over Oklahoma is taken away, and by § 34, post, p. 736, their jurisdiction over certain offenses in the Indian Territory is modified by a grant of jurisdiction to the United States court therein. By 1890, Dec. 11, ch. 2, post, p. 885, Grayson County is attached to the eastern district.

1889, March 1, ch. 333, § 17, *post*, p. 674.

1890, Dec. 11, ch. 2, *post*, p. 885.

Eastern district.

1879, June 11, ch. 18, §§ 1, 2, *post*, pp. 265, 266.

1889, March 1, ch. 333, § 17, 18, *post*, p. 674.

Western district.

1879, June 14, ch. 18, §§ 1, 2, *post*, pp. 265, 266.

1889, June 14, ch. 213, § 2, *post*, p. 297.

Process against defendants in the different counties; where to be returned.

1884, June 3, ch. 64, § 2, *post*, p. 438.

morton, Young, Stephens, Shackelford, Jones, Taylor, Callahan, Eastland, Brown, Coleman, Runnels, Greer, Nolan, Fisher, Stonewall, King, Cottle, Childress, Collingsworth, Wheeler, Hemphill, Lipscomb, Ochiltree, Roberts, Gray, Donley, Hall, Motley, Dickens, Kent, Scurry, Mitchell, Howard, Borden, Dawson, Gaines, Martin, Andrews, Garza, Crosby, Floyd, Briscoe, Armstrong, Carson, Hutchinson, Hansford, Sherman, Moore, Potter, Randall, Swisher, Hale, Lubbock, Lynn, Terry, Hockley, Lamb, Castro, Deaf Smith, Oldham, Hartley, Dallam, Palmer, Bayley, Cochran, and Yoakum.

SEC. 2. That from and after the passage of this act, the territory embraced in the following-named counties, as now constituted, shall compose the eastern judicial district, namely:

Matagorda, Wharton, Brazoria, Fort Bend, Colorado, Austin, Waller, Harris, Galveston, Chambers, Jefferson, Orange, Hardin, Liberty, Newton, Jasper, Tyler, Polk, San Jacinto, Montgomery, Walker, Grimes, Madison, Trinity, Angelina, San Augustine, Sabine, Shelby, Nacogdoches, Cherokee, Houston, Anderson, Henderson, Smith, Rusk, Panola, Harrison, Gregg, Upshur, Wood, Vanzandt, Rains, Hopkins, Camp, Titus, Marion, Cass, Bowie, Franklin, Morris, and Red River.

SEC. 3. That from and after the passage of this act, the territory embraced in the following-named counties, as now constituted, shall compose the western judicial district of said State, namely:

Calhoun, (2) Jackson, Victoria, Goliad, Refugio, Bee, San Patricio, Nueces, Cameron, Hidalgo, Starr, Zapata, Duval, Encinal, Webb, La Salle, McMullen, Live Oak, De Witt, Lavaca, Gonzales, Wilson, Karnes, Atascosa, Frio, Dimmit, Zavala, Maverick, Kinney, Uvalde, Medina, Bexar, Guadalupe, Caldwell, Fayette, Washington, Lee, Burleson, Milan, Williamson, Bastrop, Travis, Hays, Comal, Kendall, Blanco, Burnett, Llano, Gillespie, Kerr, Bandera, Edwards, Kimball, Mason, Menard, El Paso, Presidio, Tom Green, Crockett, Pecos, Concho, McCulloch, San Saba, and Lampasas.

SEC. 4. [*Superseded*, 1884, June 20, ch. 102, *post*, p. 438, and 1890, February 4, ch. 5, *post*, p. 703.]

SEC. 5. That all process issued against defendants residing in the counties of Brazos, Robertson, Leon, Limestone, Freestone, McLennan, Falls, Bell, Coryell, Hamilton, Comanche, Erath, Hood, Bosque, Somerville, Hill, Brown, Coleman, and Runnels shall be returned to Waco;

And all process issued against defendants residing in the counties of Navarro, Johnson, Ellis, Kaufman, Dallas, Rockwall, Hunt, Lamar, Fannin, Grayson, Collin, Denton, Cooke, Montague, Wise, Tarrant, Parker, Delta, and Clay shall be returned to Dallas;

And all process issued against defendants residing in the counties of Eastland, Stephens, Young, Archer, Wichita, Wilbarger, Baylor, Throckmorton, Shackelford, Callahan, Taylor, Jones, Haskell, Knox, Hardeman, Greer, Nolan, Mitchell, Howard, Martin, Andrews, Gaines, Dawson, Borden, Scurry, Fisher, Stonewall, Kent, Garza, Lynn, Terry, Yoakum, Cochran, Hockley, Lubbock, Crosby, Dickens, King, Cottle, Motley, Floyd, Hale, Lamb, Bayley, Palmer, Castro, Swisher, Brisco, Hall, Childress, Collingsworth, Donley, Armstrong, Deaf Smith, Oldham, Potter, Carson, Gray, Wheeler, Hemphill, Lipscomb, Ochiltree, Roberts, Hutchinson, Hansford, Sherman, Moore, Hartley, Palo Pinto, Jack, and Dallam shall be returned to Graham;

And all process issued against defendants residing in the counties of Jackson, Matagorda, Brazoria, Wharton, Colorado, Fort Bend, Austin, Harris, Galveston, Chambers, Jefferson, Orange, Hardin, Liberty, Montgomery, Waller, Grimes, Madison, Walker, San Jacinto, Polk, Tyler, Jasper, and Newton shall be returned to Galveston;

NOTE.—(2) By act of 1879, June 11, ch. 18, § 1, *post*, p. 265, Jackson County is transferred to eastern district, and by the act of 1890, June 14, ch. 213, § 2, *post*, p. 297, Aransas County is added to the western district.

And all process issued against defendants residing in the counties of Sabine, San Augustine, Shelby, Nacogdoches, Angelina, Trinity, Houston, Anderson, Cherokee, Panola, Rusk, Smith, Henderson, Vanzandt, Rains, Gregg, and Wood, shall be returned to Tyler;

And all process issued against defendants residing in the counties of Upshur, Harrison, Marion, Cass, Bowie, Red River, Titus, Camp, Hopkins, Morris, and Franklin shall be returned to Jefferson;

And all process issued against defendants residing in the (3) counties of Cameron, Hidalgo, Starr, Zapata, Webb, Encinal, Duval, Nueces, San Patricio, Dimmit, and Maverick shall be returned to Brownsville;

And all process issued against defendants residing in the counties of Calhoun, Refugio, Victoria, Goliad, Bee, Live Oak, Karnes, De Witt, Lavaca, Gonzales, Guadalupe, Wilson, Atacosa, McMullen, Bexar, Comal, Kendall, Kerr, Edwards, Bandera, Medina, Frio, La Salle, Zavala, Uvalde, Kinney, Crockett, Tom Green, Pecos, Presidio, and El Paso shall be returned to San Antonio;

And all process issued against defendants residing in the counties of Fayette, Washington, Burleson, Milan, Williamson, Lee, Bastrop, Caldwell, Hays, Travis, Blanco, Gillespie, Burnet, Llano, Mason, Kimball, Menard, Concho, McCulloch, San Saba, and Lampasas shall be returned to Austin;

And that all process issued against defendants residing in any county which may hereafter be created by law, shall be returned to the nearest place for holding court in the judicial district within which said county is formed. —in new counties.

And if there be more than one defendant, and they reside in different divisions of the district, the plaintiff may sue in either division, and send duplicate writ or writs to the other defendants, on which the plaintiff or his attorney shall endorse that the writ thus sent is a copy of a writ sued out of a court of the proper division of the said district; and the said writs, when executed and returned into the office from which they issued, shall constitute one suit, and be proceeded in accordingly.

Suits against more than one defendant in different divisions; where may be brought.

1880, June 14, ch. 213, § 1, *post*, p. 297.

SEC. 6. [*Relates to pending cases.*]

SEC. 7. That the present judge of the eastern district of Texas be, and he is hereby, assigned to hold said courts in the said eastern district, and shall exercise the same jurisdiction and perform the same duties within the said district as he now exercises and performs within his present district.

Assignment of present judges.

That the present judge of the western district of Texas be, and he is hereby, assigned to hold said courts in the western district of Texas, and shall exercise the same jurisdiction and perform the same duties within the said district as he now exercises and performs within his present district.

And there shall be appointed a district judge for the northern district of Texas, who shall possess the same powers and do and perform all such duties in his district as are now enjoyed, or in any manner appertain to the present district judges for said eastern and western districts of Texas.

Judge for northern district.

R. S., § 554.
1891, Feb. 24, ch. 267, *post*, p. 896.

And the district judge of such district shall be entitled to the same compensation as by law is provided for the present judges of the eastern and western districts of Texas.

SEC. 8. That there shall be appointed one person as district attorney and one person as marshal for said northern district, whose terms of appointment and services, as well as duties and emoluments, shall be the same with those respectively appertaining to the said offices in the said eastern and western districts of Texas;

District attorney and marshal for northern district.

R. S., §§ 767-793, 824, 826.

And said marshal shall give the same bond that other marshals are required to give, to be approved and recorded as now directed by law:

* * [*Part omitted has expired.*] * *

Present clerks not affected.

Provided further, That it is not intended by this act to work the removal of, or in any manner affect, the clerks of the district courts now holding office in said districts.

Clerk and deputy clerks for northern district; how appointed.

1884, June 3, ch. 64, § 13, *post*, p. 438.

SEC. 9. The district judge of the northern district shall appoint a clerk of said court, who shall reside at one of the places designated in this act for holding the courts, and two deputies shall be appointed by the clerk, one of whom shall reside at each of the other places designated for holding the courts. [February 24, 1879.]

Feb. 25, 1879.

20 Stat. L., 330.

Supreme court of District of Columbia to have a sixth judge.

R. S. of D. C., §§ 750, 751.

CHAP. 99.—An act to create an additional associate justice of the supreme court of the District of Columbia, and for the better administration of justice in said District.

Be it enacted, &c., That there shall be appointed by the President, by and with the advice and consent of the Senate, one additional associate justice of the supreme court of the District of Columbia.

That the said additional associate justice shall have the same power, authority, and jurisdiction as now or hereafter may be exercised by any of the associate justices of the said supreme court, and shall be entitled to receive the same salary, payable in the same manner.

General term may be held by two judges; division of opinion.

R. S. of D. C., § 754.

1877, Feb. 27, ch. 69, § 2, par. 10, *ante*, p. 130.

Judge not to sit on appeal from his own decision.

3 Mackey, 66. Two circuit court terms at same time.

SEC. 2. Two of the justices, sitting at general term, shall constitute a quorum for the transaction of business; but when the two justices shall be divided in opinion, the same 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 three or more justices;

But no justice shall sit in general term to hear an appeal from any judgment or decree or order which he may have rendered at the special term.

SEC. 3. The general term may order two (1) terms of the circuit court to be held at the same time, whenever, in their judgment the business therein shall require it; and they shall designate by an order of the court, the time and places of holding the same, and the justices by whom they shall, respectively, be held; and shall make all necessary orders for a division of the docket between the justices holding such term;

And petit juries shall be drawn therefor, in the same manner as is provided for in such circuit court, at least ten days before the commencement of any such sitting.

SEC. 4. [*Superseded 1885, March 3, ch. 355, post, p. 485.*]

SEC. 5. All acts or parts of acts inconsistent with the provisions of this act [act] are hereby repealed. [February 25, 1879.]

NOTE.—(1) By 1874, June 23, ch. 451, *ante*, p. 41, the justice holding the criminal term may hold sittings of the circuit court; by the above act two terms of the circuit court may be held; by 1880, June 8, ch. 137, § 1, *post*, p. 291, the justice holding the circuit court may try criminal cases; by 1889, March 1, ch. 308, § 1, *post*, p. 651, the general term has power to regulate the period and number of all special terms.

Feb. 26, 1879.

20 Stat. L., 322.

Salaries of naval officers at Baltimore and New Orleans.

R. S., §§ 2655, 2656, 2639.

1874, June 23, ch. 391, § 23, *ante*, p. 35.

CHAP. 103.—An act to amend section twenty-three of the act approved June twenty-second, eighteen hundred and seventy-four, entitled "An act to amend customs-revenue laws and to repeal moieties."

Be it enacted, &c., That the twenty-third section of an act entitled "An act to amend customs-revenue laws and to repeal moieties" approved the twenty-second day of June, eighteen hundred and seventy-four, be, and the same is hereby, amended, to take effect from that date, as follows:

After the words "to the naval officers of the districts of Boston and Charlestown, Massachusetts; and San Francisco, California;

and Philadelphia, Pennsylvania," insert the words "and Baltimore, Maryland; and New Orleans, Louisiana";

And after the words "to the surveyors of the ports of Boston, Massachusetts, and San Francisco, California, and Philadelphia, Pennsylvania, each five thousand dollars," insert the words

"*Provided*, the surveyors at Portland, Maine, and Baltimore, Maryland, shall each receive the sum of four thousand five hundred dollars, and the surveyor at New Orleans, Louisiana, shall receive the sum of three thousand five hundred dollars;" [February 26, 1879.]

Salaries of surveyors at Portland, Baltimore, and New Orleans. R. S., §§ 2655, 2657, 2688, 2689.

CHAP. 105.—An act to promote a knowledge of steam-engineering and iron-ship building among the students of scientific schools or colleges in the United States.

Feb. 26, 1879.

20 Stat. L., 322.

Be it enacted, &c., That for the purpose of promoting a knowledge of steam-engineering and iron-ship building among the young men of the United States, the President may, upon the application of an established scientific school or college within the United States, detail an officer from the Engineer Corps of the Navy as professor in such school or college:

Engineers detailed as professors in colleges, &c.

R. S., § 1390, 1888, Sept. 26, ch. 1037, *post*, p. 620. 1891, Jan. 13, ch. 70, *post*, p. 887. —not exceeding twenty-five, &c.

Provided, That the number of officers so detailed shall not at any time exceed twenty-five, and such details shall be governed by rules to be prescribed from time to time by the President:

And provided further, That such details may be withheld or withdrawn whenever, in the judgment of the President, the interests of the public service shall so require. [February 26, 1879.]

—may be withdrawn from detail.

CHAP. 106.—An act to amend an act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and seventy-nine, and for other purposes", approved June twentieth, eighteen hundred and seventy-eight.

Feb. 26, 1879.

20 Stat. L., 323.

Be it enacted, &c., That the act entitled "An act making appropriations for sundry civil expenses of the government for the fiscal year ending June thirtieth, eighteen hundred and seventy-nine, and for other purposes", approved June twentieth, eighteen hundred and seventy-eight, be, and the same is hereby, amended by adding to the clause of said act relating to the binding of books for the departments of the government, after the words "Congressional Library", the following words: "nor to the Library of the Patent Office", nor to the Library of the Department of State. [February 26, 1879.]

Restrictions as to binding not to apply to library of Patent Office and State Department. R. S., §§ 3785, 3790.

1878, June 20, ch. 359, par. 1, *ante*, p. 201.

CHAP. 112.—An act extending the limits of the port of New York.

Feb. 28, 1879.

20 Stat. L., 324.

Be it enacted, &c., That the collection-district of the port of New York shall hereafter include, in addition to the other territory embraced therein, all that part of the county of Hudson, in the State of New Jersey, and the waters adjacent, now within the collection-district of Newark, New Jersey, east of Newark Bay and the Hackensack River. [February 28, 1879.]

Collection district of city of New York to include part of Hudson County, N. J.

R. S., §§ 2535, 2541.

CHAP. 125.—An act to amend the laws relating to internal revenue.

March 1, 1879.

20 Stat. L., 327.

Be it enacted, &c., That any collector of internal revenue, or any deputy collector or other employee of, or person acting for, such

Collector of internal revenue,

&c., issuing stamps before payment, guilty of misdemeanor, &c.

R. S., § 3169.
1875, Feb. 8, ch. 36, § 23, ante, p. 61.

Clerks of circuit and district courts at close of each quarter to make report to Commissioner of Internal Revenue of money paid in suits on collectors' bonds, &c.

R. S., § 767.
1875, Feb. 22, ch. 95, §§ 5, 6, ante, p. 66.

Collectors of internal revenue to give bonds, &c.

Substitute for R. S., § 3143.
1888, Aug. 8, ch. 787, post, p. 605.
99 U. S., 229.
100 U. S., 8.
17 C. Cls., 44.
3 Hughes, 231.
1 Fed. Rep., 104.
24 Fed. Rep. 343.
—to renew, &c., bonds, &c.,

—to file bonds with First Comptroller.

—to act as disbursing agents, &c.

Substitute for R. S., § 3144.
17 C. Cls., 44.

collector, who shall issue any stamp or stamps indicating the payment of any internal-revenue tax, before payment in full therefor has been made to the officer or person issuing the same, shall be deemed guilty of a misdemeanor, and shall be fined for each stamp thus issued an amount equal to the face value thereof, in addition to the liability of the collector on his official bond on account of such stamp; and such collector, deputy collector, or employee shall be dismissed from office.

SEC. 2. That the Revised Statutes of the United States be amended as follows, namely:

[R. S., § 797.] That section seven hundred and ninety-seven be amended by adding thereto the following:

“He shall also, at the close of each quarter or within ten days thereafter, report to the Commissioner of Internal Revenue all moneys paid into court on account of cases arising under the internal-revenue laws, as well as all moneys paid on suits on bonds of collectors of internal revenue.

The report shall show the name and nature of each case, the date of payment into court, the amount paid on account of debt, tax, or penalty, and also the amount on account of costs.

If such money, or any portion thereof, has been paid by the clerk to any internal-revenue officer or other person, the report shall show to whom each of such payments was made; and if to an internal-revenue officer, it shall be accompanied by the receipt of such officer.”

That section thirty-one hundred and forty-three of the United States Revised Statutes be amended to read as follows:

[R. S.] “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 Treasurer, 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;

And he shall execute a new bond whenever required so to do by the Secretary of the Treasury, with such conditions as may be required by law or prescribed by the Commissioner of Internal Revenue, with not less than five sureties; which new bond shall be in lieu of any former bond or bonds of such collector in respect to all liabilities accruing after the date of its approval by the Solicitor of the Treasury.

Said bonds shall be filed in the office of the First Comptroller of the Treasury.”

That section thirty-one hundred and forty-four of the Revised Statutes be amended so as to read:

[R. S.] “SEC. 3144. It shall be the duty of collectors of internal revenue 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.”

“That section thirty-one hundred and forty-nine be amended by striking out all excepting the number thereof, and inserting in lieu thereof the following:

[R. S., § 3149.] “In case of the sickness or absence of a collector, or in case of his temporary disability to discharge his duties, they shall devolve upon his senior deputy, unless he shall have devolved them upon another of his deputies; and for the official acts or defaults of such deputies 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 also the duties of disbursing agent;

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.

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 the deputy upon whom said duties are devolved, remedy shall be had on the official bond of the collector, as in other cases; and for the official acts and defaults of such deputy as acting disbursing agent, remedy shall be had on the official bond of the collector as disbursing agent.

And any bond or security taken from a deputy by a collector, pursuant to (1) section twelve of ‘An act to amend existing customs and internal-revenue laws, and for other purposes’, approved February eighth, eighteen hundred and seventy-five, 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.”

That section thirty-one hundred and sixty-three be amended by striking out all after the number thereof, and inserting in lieu thereof the following:

[R. S., § 3163.] “Every collector within his collection-district and every internal-revenue agent 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 it shall be the duty of every collector and of every internal-revenue agent to report to the Commissioner in writing any neglect of duty, incompetency, delinquency, or malfeasance in office of any internal-revenue officer or agent of which he may obtain knowledge, with a statement of all the facts in each case, and any evidence sustaining the same.

“The Commissioner may also transfer any inspector, gauger, storekeeper, or storekeeper and gauger, from one distillery or other place of duty, or from one collection-district, to another.”

That section thirty-one hundred and fifty-two of the Revised Statutes be amended by striking out all after the number thereof, and inserting in lieu thereof the following:

[R. S., § 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 (2) thirty-five in number, to be paid such compensation as he may deem proper, not exceeding in the aggregate any appropriation made for that purpose;

NOTES.—(1) A substitute for § 12 of the act of 1875, Feb. 8, ch. 36 (18 Stat. L., 309), is found in the same section of this act, *post*, p. 224.

(2) Reduced to 20 by 1884, July 5, ch. 331, *post*, p. 468.

Who to act in absence or disability of collector.

Substitute for
R. S., § 3149.

—in case of vacancy.

13 C. Cls., 347.
99 U. S., 10.

Collector's bond liable for deputy acting.

Deputy's bond while acting available to collector's representatives.
R. S., § 3148.

Collectors and revenue agents to see that laws are enforced.

Substitute for
R. S., § 3163.
1876, Aug. 5, ch. 287, pars. 6, 8, *ante*, pp. 119, 120.

Collectors to report delinquencies, &c., to Commissioner.

Commissioner may transfer inspector, gauger, or storekeeper, &c.
1876, Aug. 15, ch. 287, pars. 7, 8, *ante*, pp. 119, 120.
1885, March 3, ch. 343, *post*, p. 484.
—may appoint internal-revenue agents.

Substitute for
R. S., § 3152.
1882, Aug. 5, ch. 389, par. 2, *post*, p. 373.

1864, July 5, ch. 331, *post*, p. 463.
1885, Mar. 3, ch. 343, *post*, p. 484.

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.

—designation and powers of.
R. S., §§ 3177, 3277, 3286, 3318.

The agents whose employment is authorized by this section shall be known and designated as internal-revenue agents, and they shall have all the powers of entry and examination conferred upon any officer of internal revenue, by sections thirty-one hundred and seventy-seven, thirty-two hundred and seventy-seven, thirty-two hundred and eighty-six, and thirty-three hundred and eighteen of the Revised Statutes;

And all the provisions of said sections, including those imposing fines, forfeitures, penalties, or other punishments for the enforcement thereof, are hereby made applicable to the action of internal-revenue agents, in the same manner as if such agents were specially named in each of said sections.

—laws applicable to.
R. S., §§ 3167–3169, 3171.

And all the provisions of sections thirty-one hundred and sixty-Seven, thirty-one hundred and sixty-eight, thirty-one hundred and sixty-nine, and thirty-one hundred and seventy-one of the Revised statutes shall apply to internal-revenue agents as fully as to internal-revenue officers."

Revenue officers may administer oaths, &c.
R. S., § 183, 3165.

[R. S., § 3165.] That section thirty-one hundred and sixty-five be amended by inserting in line four, after the words "by law", the words "or regulation authorized by law".

Officers injured in discharge of duty may recover damages;

[R. S., § 3171.] That section thirty-one hundred and seventy-one be amended by striking out "for or on account of any act by him done", and inserting "in the discharge of his duty".

R. S., § 3171.
Deputy collectors.
R. S., § 3148.
1885, March 3, ch. 343, *post*, p. 484.

That the act entitled "An act to amend existing customs and internal-revenue laws, and for other purposes", approved February eight, eighteen hundred and seventy-five, be amended as follows namely: That section twelve be amended to read as follows:

3 Dillon, 284.
15 C. Cls., 446.
17 C. Cls., 53.
21 C. Cls., 128.
118 U. S., 81.

"SEC. 12. That each collector of internal revenue shall be authorized to appoint, by an instrument in writing under his hand, as many deputies as he may think proper, to be compensated for their services by such allowances as shall be made by the Secretary of the Treasury, upon the recommendation of the Commissioner of Internal Revenue.

Collectors' salaries in lieu of commissions, &c.
R. S., § 3145.

Allowances shall also be made in like manner for salary and office expenses of collectors, all of which shall be in lieu of the salary and commissions heretofore provided by law:

Provided, however, That the salaries of collectors shall be fixed at two thousand dollars each per annum where the annual collections amount to twenty-five thousand dollars or less, and shall, by the Secretary, on the recommendation of the Commissioner, be graduated up to the maximum limit of four thousand five hundred dollars;

Which latter sum shall be allowed in all cases where the collections amount to one million of dollars or upward;

Collector may revoke appointment of deputies, require bonds, &c. actions on such bonds.
R. S., § 3148.

And the collector shall have power to revoke the appointment of any such deputy, giving such notice thereof as the Commissioner of Internal Revenue may prescribe, and to require and accept bonds or other securities from any deputy; and actions upon such bonds may be brought in any appropriate district or circuit court of the United States; which courts are hereby given jurisdiction of such actions concurrently with the courts of the several States.

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."

And that section thirteen of said act be amended so as to read as follows:

"SEC. 13. That 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 (1) postage actually paid on letters and documents received or sent and exclusively relating to official business, but no such account shall be approved or allowed unless it states the date and the particular items of every such expenditure, and shall be verified by the oath of the collector;

Provided, That the Secretary of the Treasury, on the recommendation of the Commissioner of Internal Revenue, be authorized to make such further allowances, from time to time, as may be reasonable, in cases in which, from the territorial extent of the district, or from the amount of internal duties collected, it may seem just to make such allowances;

But no such allowance shall be made if more than one year has elapsed since the close of the fiscal year in which the services were rendered.

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 the office unless such collector shall have been confirmed by the Senate, except in cases of commissions to fill vacancies occurring during the recess of the Senate."

Deputy collector's authority and responsibility.
R. S., § 3143.

Collector to have certain allowances for expenses, &c.
R. S., § 3145.
17 C. Cls., 53.

— and further allowance in certain cases.
15 C. Cls., 446.
16 C. Cls., 74, 88.

—compensation limited.
21 C. Cls., 128.
118 U. S., 81.
—not entitled to salary unless confirmed by Senate.

ASSESSMENT AND COLLECTION.

SEC. 3. That the Revised Statutes be amended as follows, namely: That section thirty-one hundred and seventy-three be amended by striking out all after the said number, and substituting therefor the following:

[R. S., § 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, in case of a special tax, on or before the thirteenth day of April in each year, and in other cases before the day on which the taxes accrue, 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

Annual returns of persons liable to tax.

Substitute for
R. S., § 3173.
1890, Oct. 1, ch. 1244, §§ 26, 53,
post, pp. 862, 869.

Annual returns of persons liable to tax; when may be made by deputy collector.

NOTE.—(1) But the use of penalty envelopes is authorized by 1884, July 5, ch. 234, § 3, post, p. 467.

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:

—in case of absence of person, deputy collector to leave notice, &c.

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.

Proceedings in case of neglect to make returns, or of making false returns.

116 U. S., 617.

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 under-valuation 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.

Collector may examine persons and papers.

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."

Penalties added to tax may be collected after tax is paid: *amending* R. S., § 3176.

[R. S. § 3176.] That section thirty-one hundred and seventy-six be amended by striking out the words "in all cases" in the nineteenth line, and inserting, after the word "tax" in the twentieth line, the words "unless the neglect or falsity is discovered after the tax has been paid, in which case the amount so added shall be collected in the same manner as the tax."

Collector, &c., not to issue receipts in lieu of stamps: *amending* R. S., § 3183.

[R. S. § 3183.] That section thirty-one hundred and eighty-three be amended by adding the words "excepting only when the same are in payment for stamps sold and delivered; but no collector or deputy collector shall issue a receipt in lieu of a stamp representing a tax."

§ 1, *ante*, p. 221. Taxes to be lien on all property. *Substitute for* R. S., § 3186. 4 Dillon, 71. 16 Opins. 634. 93 U. S., 424.

That section thirty-one hundred and eighty-six be amended by striking out all after said number, and substituting therefor the following:

[R. S. § 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 when the assessment-list was received by the collector, except when otherwise provided, 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."

Proceedings for seizure and sale of real estate for taxes.

That section thirty-one hundred and ninety-seven of the Revised Statutes be amended by striking out all after the said number and substituting therefor the following:

[R. S., § 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.

Substitute for
R. S. § 3197.
—notice to owner.

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 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.

—public notice.

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.

—manner of sale.

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; otherwise the same shall be declared to be sold to the highest bidder.

118 U. S., 86.

“And in case the same shall be declared to be purchased for the United States, the officer shall immediately transmit a certificate of the purchase to the Commissioner of Internal Revenue, and, at the proper time, as hereafter provided, shall execute a deed therefor, after its preparation and the indorsement of approval as to its form by the United States district attorney for the district in which the property is situate, and shall without delay, cause the same to be duly recorded in the proper registry of deeds, and immediately thereafter shall transmit such deed to the Commissioner of Internal Revenue.

— purchases for
United States.

“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.

— adjournment of
sale.

“And it is hereby provided, That all certificates of purchase, and deeds of property purchased by the United States under the internal-revenue laws, on sales for taxes, or under executions issued from United States courts, which now are, or hereafter may be, found in the office of any collector, United States marshal, or United States district attorney, shall be immediately transmitted by such officers respectively to the Commissioner of Internal Revenue.

Deeds, certificates, &c., of purchase for United States under internal-revenue laws to be sent to Commissioner.

“And it is hereby further provided, That for the preparation and approval by the United States district attorney of each deed as above required, a fee of five dollars shall be allowed to that officer, to be paid by the United States, and which he shall account for in his emolument returns.”

District attorney's fee for preparing deed, &c.
R. S., § 833.

That section thirty-two hundred and three of the Revised Statutes be amended by striking out all after said number, and substituting therefor the following:

Record of sales.
Substitute for
R. S., § 3203.

[R. S. § 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

—collector to keep
and transmit copy
to Commissioner.

seizure and sale, the name of the party assessed and all proceedings in making said sale, 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 on or before the fifth day of each succeeding month he shall transmit a copy of such record of the preceding month to the Commissioner of Internal Revenue.

—deputy to return statement to collector.

“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.

—to be delivered to successor of collector.

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;

—copy of, to be evidence.

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.”

Commissioner to have charge of real estate acquired by United States under internal-revenue laws.

That section thirty-two hundred and eight be amended by striking out all after the said number, and substituting therefor the following:

Substitute for
R. S., § 3208.
1879, March 3,
ch. 182., par. 4,
post, p. 251.
16 Opins., 144,
185, 117 U. S., 151.
—may sell or lease same.

[R. S. § 3208.] “The commissioner of internal revenue shall have charge of all real estate which is now or shall become the property of the United States by judgment of forfeiture under the internal-revenue laws, or which has been or shall be assigned, set off, or conveyed by purchase or otherwise to the United States in payment of debts or penalties arising under the laws relating to internal revenue, or which has been or shall be vested in the United States by mortgage or other security for the payment of such debts, 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 day's notice, sell and dispose of all real estate owned or held by the United States aforesaid;

And until such sale the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may lease such real estate owned as aforesaid on such terms and for such period as they shall deem expedient.”

—to release same on payment of debt; when.

“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.”

Tax on distilled spirits accidentally destroyed not to be remitted when fully insured.

Amend section thirty-two hundred and twenty-three of the Revised Statutes by striking out all after the said number, and substituting therefor the following:

Substitute for
R. S., § 3223.
17 Fed. Rep. 498.
95 U. S., 547.

[R. S. § 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, for a sum greater than the actual value of the distilled spirits before and without the tax being paid, the tax shall not be remitted to the extent of such insurance.”

SPECIAL TAXES.

SPECIAL TAXES.

SEC. 4. [R. S. § 3244.] That section thirty-two hundred and forty-four of the Revised Statutes be amended as follows, namely, by adding after the fifth clause of said section:

No special tax on sales of spirits, &c., by fiduciary,

“But no special tax shall be held to accrue on a sale of distilled spirits, wines, or malt liquors made by a person who is not otherwise a dealer in liquors, where such spirits, wines, or liquors have been

received by the person so selling as security for or in payment of a debt, or as executor, administrator, or other fiduciary, or have been levied on by any officer, under order or process of any court or magistrate, and where such spirits are sold by such person in one parcel only, or at public auction in parcels not less than twenty wine-gallons, nor shall such tax be held to accrue on a sale made by a retiring partner, or the representatives of a deceased partner to the incoming, remaining, or surviving partner or partners of a firm; nor shall the special tax of a wholesale liquor-dealer or wholesale dealer in malt liquors be held to apply to a retail dealer in liquors or a retail dealer in malt liquors, because of such retail dealer selling out his entire stock of liquors in one parcel, or in parcels embracing not less than his entire stock of distilled spirits, of wines, or of malt liquors;

And section thirty-three hundred and nineteen of the Revised Statutes shall not be held to prohibit a rectifier or liquor-dealer from purchasing, in quantities greater than twenty wine-gallons, the distilled spirits sold in one parcel as aforesaid."

[R. S. § 3244.] That the third subdivision of section thirty-two hundred and forty-four be amended by inserting after the word "Provided", where it first occurs in said subdivision, the words following: "That any person who rectifies, purifies, refines, or manufactures as aforesaid less than five hundred barrels a year, counting forty gallons of proof spirits to the barrel, shall pay one hundred dollars. *And provided*".

That section eighteen of "An act to amend existing customs and internal-revenue laws, and for other purposes", approved February eighth, eighteen hundred and seventy five be amended to read as follows:

"SEC. 18. That (4) retail dealers in liquors shall pay twenty-five dollars. Every person who sells, or offers for sale, foreign or domestic distilled spirits wines, or malt liquors, otherwise than as hereinafter provided, in less quantities than five wine-gallons at the same time, shall be regarded as a retail dealer in liquors.

20 Fed. Rep., 720. 23 Fed. Rep., 134. 26 Fed. Rep., 515. 28 Fed. Rep., 847.

Wholesale liquor-dealers shall each pay one hundred dollars.

Every person who sells, or offers for sale, foreign or domestic distilled spirits, wines, or malt liquors, otherwise than as hereinafter provided, 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.

Retail dealers in malt liquors shall pay twenty dollars.

Every person who sells, or offers for sale, malt liquors in less quantities than five gallons 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 quantities of not less than five gallons at one time, but who does not deal in spirituous liquors at wholesale, shall be regarded as a wholesale dealer in malt liquors:

Provided, That no brewer shall be required to pay a special tax as a dealer by reason of selling in the original stamped packages whether at the place of manufacture or elsewhere, malt liquors manufactured by him, or purchased and procured by him in his own casks or vessels, under the provisions of section thirty-three hundred and forty-nine of the Revised Statutes;

officers of court, retiring partner, &c., nor wholesale tax on sale of entire stock by retail dealer; *adding to* R. S., § 3244.

— and rectifiers may purchase quantities greater than twenty gallons; *amending*

R. S., § 3319.

14 Blatch., 549.

Rectifiers of less than 500 barrels a year to pay tax of \$100; *amending* R. S., § 3244.

Special taxes on retail liquor-dealers.

Substitute for 1875, Feb. 8, ch. 36, § 18 (18 Stat. L., 311).

R. S., § 3244.

2 Lowell, 466.

11 Fed. Rep., 44.

17 Fed. Rep., 734.

37 Fed. Rep., 665. — on wholesale dealers.

— distiller not subject to dealers' tax.

— on retail dealers in malt liquors.

— on wholesale dealers in malt liquors.

— brewers not subject to dealers' tax, except. &c. R. S., § 3349.

But the quantity of malt liquors so purchased shall be included in calculating the liability to brewer's special tax of both the brewer who manufactures and sells the same and the brewer who purchases the same:

And it is hereby provided, That no further collection of special tax as retail dealers in malt liquors shall be made from brewers for selling malt liquors of their own manufacture in the original stamped eighth-barrell package: * * [*Remainder of section expired.*]

DISTILLED SPIRITS.

Special tax not payable by vintners, &c., nor by apothecaries in certain cases.

Substitute for R. S., § 3246.

SEC. 5. That section thirty-two hundred and forty-six of the Revised Statutes of the United States be amended so as to read as follows:

[R. S., § 3246.] "Nothing in this chapter shall be construed to impose a special tax upon vintners who sell wine of their own growth, or manufacturers who sell wine produced from grapes grown by others, at the place where the same is made or at the general business office of such vintner or manufacturer:

Provided, That no vintner or manufacturer shall have more than one office for the sale of such wine that shall be exempt from special tax under this act; nor shall any special tax be imposed upon apothecaries as to wines or spirituous liquors which they use exclusively in the preparation or making-up of medicines."

Survey of distilleries.

Substitute for R. S., § 3264.

That section thirty-two hundred and sixty-four be, and the same is hereby, amended by striking out all after the said number, and substituting therefor the following:

[R. S., § 3264.] "On receipt of notice that any person, firm, or corporation wishes to commence the business of distilling, the collector, or a deputy collector, to be designated by him, shall proceed in person, at the expense of the United States, with the aid of an assistant designated by the Commissioner of Internal Revenue for the purpose of making surveys of distilleries in that district, 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.

—estimate of capacity.

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.

—report of.

16 Wall. 240.
93 U. S., 625.
106 U. S., 281.

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.

—resurvey.

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 required:

Survey of distilleries; when may be made by collector, &c., without assistant.

Provided, That the survey of any distillery estimated and stated by the distiller, in his notice of intention to distill, as capable of distilling not more than one hundred and fifty proof-gallons of distilled spirits every twenty-four hours may be made by the collector or by a deputy collector without the aid of an assistant;

—how made for correcting errors, &c.

And that all surveys made for the purpose of correcting clerical errors or errors of computation existing in the report of a previous survey, and all surveys made for the purpose of changing the true spirit-producing capacity of any distillery for a day of twenty-four

hours as estimated and determined by a previous survey, but which surveys do not require the remeasuring of the fermenting-tubs in a grain or molasses distillery, or the still or stills in a distillery of apples, peaches, or grapes exclusively, may be made without taking the measurements of the fermenting tubs or stills, as the case may be, and without revisiting the distillery:

And provided further, That the Commissioner of Internal Revenue may, whenever he shall deem it proper, designate an officer, agent, or person other than the collector or deputy collector, to make, with or without the aid of a designated assistant, the surveys and resurveys hereinabove provided for.”

[R. S., §§ 3276, 3286.] That section thirty-two hundred and seventy-six and section thirty-two hundred and eighty-six be amended by inserting, before the words “one thousand dollars” wherever they occur in each of said sections, the words “not exceeding”:

[R. S., § 3282.] That section thirty-two hundred and eighty-two of the Revised Statutes be amended by striking out the words “or any vapor of alcoholic spirits”, immediately following the word “alcohol” in the eighth line of said section, and also by striking out the words at the close of said section namely: “But nothing herein contained shall be construed to authorize the distillation of such fermented liquids except in an authorized distillery”, and inserting in lieu thereof the following:

“But no worm, goose-neck, pipe, conductor, or contrivance of any description whatsoever whereby vapor might in any manner be conveyed away and converted into distilled spirits, shall be used or employed or be fastened to or connected with any vaporizing apparatus used for the manufacture of vinegar; nor shall any worm be permitted on or near the premises where such vaporizing process is carried on.

Nor shall any vinegar factory, for the manufacture of vinegar as aforesaid, be permitted within six hundred feet of any distillery or rectifying house.

But it shall be lawful for manufacturers of vinegar to separate, by a vaporizing process, the alcoholic property from the mash produced by them, and condense the same by introducing it into the water or other liquid used in making vinegar.

No person, however, shall remove, or cause to be removed, from any vinegar factory or place where vinegar is made, any vinegar or other fluid or material containing a greater proportion than two per centum of proof spirits. Any violation of this provision shall incur a forfeiture of the vinegar, fluid, or material containing such proof spirits, and shall subject the person or persons guilty of removing the same to the punishment provided for any violation of this section.

And all the provisions of sections thirty-two hundred and seventy-six, thirty-two hundred and seventy-seven, and thirty-two hundred and seventy-eight of the Revised Statutes of the United States are hereby extended and made applicable to all premises whereon vinegar is manufactured, to all manufacturers of vinegar and their workmen or other persons employed by them.”

The Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may exempt distillers whose distilleries have a daily spirit-producing capacity of thirty gallons of proof spirits, or less, from such of the provisions of existing law in regard to grain distilleries which require the processes of distillation to be carried on through continuous closed vessels and pipes, or which require the cisterns to be connected with the outlet of the worm or condenser by suitable pipes or other apparatus or which require certain clear spaces about the cisterns and other vessels of the distillery, or which require

—special officer may be designated for.

15 C. Cls., 446.

Penalties on distiller for obstructing officer, &c.
R. S., §§ 3276, 3286.

In manufacture of vinegar, contrivances for converting vapor into spirits not to be used; amending
R. S., § 3282.
2 Bissell, 334.

Vinegar factory not to be near distillery, &c.

1879, June 14, ch. 23, post p. 266.

Manufacturers of vinegar may separate alcoholic property from mash, &c.

—not to remove vinegar, &c., with over 2 per cent. of alcohol.

Examination of vinegar manufactories; powers of officers, &c.

Extending.
R. S., §§ 3276-3278.

Distilleries of thirty gallons or less may be exempt from certain obligations.

R. S., §§ 3263, 3267.

the distillers to have or furnish a plan of the distillery, as he may deem proper.

* * [The substitutes here enacted for R. S., §§ 3287 and 3293, are omitted because superseded by later substitutes in 1880, May 29, ch. 108, §§ 6 and 4, post, pp. 286, 285.] * *

Withdrawal from warehouse on payment of tax.

Substitute for R. S., § 3294.
20 Fed. Rep., 311.

That section thirty-two hundred and ninety-four be amended by striking out all after the said number, and substituting therefor the following:

[R. S. § 3294.] "Any distilled spirits may, on payment of the tax thereon, be withdrawn from the 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 of distillery number _____, situated in the _____ district of _____, by _____ deposited on the _____ day of _____, anno Domini _____, by _____, in said warehouse.

"And the entry shall specify the whole number of casks, with the marks and serial numbers thereon, the number of gauge or wine gallons, and of proof gallons and taxable gallons, and the amount of the tax on the distilled spirits contained in them; and on payment of the tax the collector shall issue his order to the storekeeper 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.

—entry therefor, form; what to contain, where filed, &c.

1880, May 28, ch. 108, § 5, post, p. 286.

Storekeepers to keep warehouse books.

Substitute for R. S., § 3301.

That section thirty-three hundred and one be amended by striking out all after the said number, and substituting therefor the following:

[R. S. § 3301.] "Every storekeeper 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 package 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, of proof-gallons, and of taxable 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, of proof-gallons, and of taxable 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.

Storekeepers to make returns and reports.

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."

* * [The substitute here enacted for R. S., § 3314, is superseded by a later substitute in 1880, May 28, ch. 108, § 16, post, p. 288.] * *

That section thirty-three hundred and fifteen be amended by striking out all after the said number and substituting therefor the following:

[R. S., § 3315.] "The Commissioner of Internal Revenue may, under regulations prescribed by him with the approval of the Secretary of the Treasury, issue stamps for restamping packages of distilled spirits, tobacco, cigars, snuff, cigarettes and fermented liquors which have been duly stamped, but from which the stamps have been lost or destroyed by unavoidable accident."

That section thirty-three hundred and seventeen be amended so as to read as follows:

[R. S., § 3317.] "That on or before the tenth day of each month every person engaged in rectifying or compounding distilled spirits shall make, in such form as may be prescribed by the Commissioner of Internal Revenue, a return to the collector of the district, showing the quantity of spirits received for rectification, and from whom received, the quantity dumped for rectification, the quantity rectified, the quantity removed after rectification during the preceding month, and giving such other information as may be required by the Commissioner of Internal Revenue, such return to be made in duplicate and sworn to by the rectifier;

And the collector shall forward one of such returns to the Commissioner of Internal Revenue:

Every person who engages in, or carries on, the business of a rectifier with intent to defraud the United States of the tax on the spirits rectified by him, or any part thereof, or with intent to aid, abet, or assist any person or persons in defrauding the United States of the tax on any distilled spirits, or who shall purchase or receive or rectify any distilled spirits which have been removed from a distillery to a place other than the distillery-warehouse provided by law, knowing or having reasonable grounds to believe that the tax on said spirits, required by law, has not been paid, 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."

[R. S. § 3318.] That section thirty-three hundred and eighteen be amended by adding thereto the following words:

"That every person required to keep the books prescribed by this section shall, on or before the tenth day of each month, make a full and correct transcript of all entries made in such book during the month preceding, and, after verifying the same by oath, shall forward the same to the collector of the district in which he resides.

Any failure by reason of refusal or neglect to make said transcripts shall subject the person so offending to a fine of one hundred dollars for each neglect or refusal."

[R. S., § 3332.] That section thirty-three hundred and thirty-two be amended by adding thereto as follows:

"And in case of seizure of a still, doubler, worm, worm-tub, mash-tub, fermenting-tub, or other distilling apparatus, having a less producing capacity than one hundred and fifty gallons per day, for any offense involving forfeiture of the same, where said apparatus shall be of less than five hundred dollar's value, and where it shall be impracticable to remove the same to a place of safe storage from the place where seized, the seizing officer is authorized to destroy the same only so far as to prevent the use thereof, or any part thereof, for the purpose of distilling:

Stamps for restamping packages of liquors, tobacco, cigars, snuff, &c., when original stamps are destroyed.

Substitute for R. S., § 3315.
18 Ct. Cls., 366.

Rectifiers to make returns.

Substitute for R. S., § 3317.
19 Blatch., 259.
7 Fed. Rep., 455.

Rectifiers: punishment for fraud committed or attempted by, and for aiding in same.

Rectifiers and wholesale liquor-dealers to return monthly to collectors transcripts of their books.

R. S., § 3318.

—penalty on, for neglect.

Distillery apparatus when seized may be destroyed in certain cases.

R. S., § 3332.
§ 9, post, p. 235.

— witnesses of destruction; report; estimate of value, &c

Provided, That such destruction shall be in the presence of at least one credible witness, and that such witness shall unite with the said officer in a duly sworn report of said seizure and destruction, to be made to the Commissioner of Internal Revenue, in which report they shall set forth the grounds of the claim of forfeiture, the reasons for such seizure and destruction, their estimate of the fair cash value of the apparatus destroyed, and also of the materials remaining after such destruction, and a statement that, from facts within their own knowledge, they have no doubt whatever that said distilling apparatus was set up for use and not registered, or had been used in the unlawful distillation of spirits, and that it was impracticable to remove the same to a place of safe storage.

—owner of, maybe reimbursed in certain cases on application within one year.

Within one year after such destruction the owner of the apparatus so destroyed may make application to the Secretary of the Treasury, through the Commissioner of Internal Revenue, for reimbursement of the value of the same; and unless it shall be made to appear to the satisfaction of the Secretary and the Commissioner that said apparatus had been used in the unlawful distillation of spirits, the Secretary shall make an allowance to said owner, not exceeding the value of said apparatus, less the value of said materials as estimated in said report; and if the claimant shall thereupon satisfy said Secretary and Commissioner that said unlawful use of the apparatus had been without his consent or knowledge, he shall still be entitled to such compensation, but not otherwise.

Officer liable on his bond for wrongful seizures of distillers' apparatus.

And in case of a wrongful seizure and destruction of property under the foregoing provisions, the owner thereof shall have right of action on the official bond of the officer who occasioned the destruction for all damages caused thereby."

When spirits are sold for taxes, and are of so low proof as to be of less value than tax, the same may be restamped according to proof-gallons.

[R. S. § 3334.] That section thirty-three hundred and thirty-four be amended by adding thereto as follows:

R. S., § 3334.

“Provided: That in all cases wherein it shall appear that any distilled spirits offered for sale on distraint for taxes, where the taxes, on such spirits have not been paid, or offered for sale for the benefit of the United States as forfeited spirits under order of court or under proceeding pursuant to section thirty-four hundred and sixty of the Revised Statutes, will not, by reason of such spirits being below proof, b[r]eing a price equal to the tax due and payable thereon, but will bring a price equal to, or greater than, the tax on said spirits, computed only upon the proof-gallons contained in the packages, without regard to the greater number of wine-gallons contained therein, then, and in such case, upon sale being so made, tax-paid stamps to the amount required to stamp such spirits as if the tax thereon were only on the proof-gallons thereof, 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.

—allowance in collectors' accounts.

Any collector using or furnishing stamps in manner 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.

—duty of officer making sale.

In such cases, the officer selling the distilled spirits shall affix, or cause to be affixed, to the same the tax paid stamps so provided, and shall write across the face of such stamps the true number of proof and wine gallons contained in the package, the amount of tax actually paid thereon, and also the words ‘Affixed under provisions of act of ——— 1879’” (inserting the date of the approval of this act).

That section thirty three hundred and forty-six be amended by striking out all after the said number, and substituting therefor the following:

[R. S., § 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, and every person who shall remove, or cause to be removed, from any cask or package of fermented liquors, any stamp denoting the tax thereon, with intent to re-use such stamp, or who, with intent to defraud the revenue, knowingly uses, or permits to be used, any stamp removed from another cask or package, or receives, buys, sells, gives away, or has in his possession, any stamp so removed, or makes any fraudulent use of any stamp for fermented liquors, 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. 6. That whenever, under the provisions of section thirty-three hundred and nine of the Revised Statutes, an assessment shall have been made against a distiller for a deficiency in not producing eighty per centum of the producing capacity of his distillery as established by law, or for the tax upon the spirits that should have been produced from the grain, or fruit, or molasses found to have been used in excess of the capacity of his distillery for any month, as estimated according to law, such excessive use of grain, or fruit, or molasses having arisen from a failure on the part of the distiller to maintain the capacity required by law to enable him to use such grain, or fruit, or molasses without incurring liability to such assessment, and it shall be made to appear to the satisfaction of the Commissioner of Internal Revenue that said deficiency, or that said failure, whereby such excessive use of grain, molasses, or fruit arose, was not occasioned by any want of diligence or by any fraudulent purpose, on the part of the distiller, but from misunderstanding as to the requirements of the law and regulations in that respect or by reason of unavoidable accidents, then, and in such case, the Commissioner of Internal Revenue, subject to regulations prescribed by the Secretary of the Treasury is authorized, on appeal made to him, to remit or refund such tax, or such part thereof as shall appear to him to be equitable and just in the premises:

* * [Part omitted has expired.] * *

Provided further, That no assessments shall be charged against any distiller of fruit for any failure to maintain the required capacity, unless the Commissioner shall, within six months after his receipt of each monthly report notify such distiller of such failure so to maintain the required capacity.

[R. S., § 3221.] That section thirty-two hundred and twenty-one be amended by adding the following:

"And when any distilled spirits are hereafter destroyed by accidental fire or other casualty, without any fraud, collusion, or negligence of the owner thereof, after the time when the same should have been drawn off by the gauger and placed in the distillery-warehouse provided by law, no tax shall be collected on such spirits so destroyed, or, if collected, it shall be refunded upon the production of satisfactory proof that the spirits were destroyed as herein specified."

SEC. 7. [Repealed 1880, May 28, ch. 108, § 9, 21 Stat. L., 148.]

SEC. 8. When any rectifier intends to rectify or compound any distilled spirits, he shall give notice in duplicate to the collector of the district, in such form, and giving such particulars as the Commissioner of Internal Revenue may prescribe; one of such notices to be forwarded by the collector to the Commissioner of Internal Revenue.

SEC. 9. Where any marshal or deputy marshal of the United States within the district for which he shall be appointed shall find any person or persons in the act of operating an illicit distillery, it shall be lawful for such marshal or deputy marshal to arrest such

Punishment for making, selling, using, &c., false or counterfeit stamps or dies, removing stamps, buying, selling, using, &c., removed stamps, &c.

Substitute for R. S., § 3346.

Assessments for deficient production of distillery, or on account of grain &c., found in excess of capacity of distillery, may be remitted in certain cases.

R. S., § 3309.
1880, May 23, ch. 108, § 8, *post*, p. 287.

16 C. Cls. 515.

Distillers of fruit, when exempt from such assessments.

1877, March 3, ch. 114, *ante*, p. 139.

Tax on spirits destroyed by fire not to be collected, and when, may be refunded.

R. S., § 3221.
95 U. S., 547.
99 U. S., 221.
110 U. S., 325.
20 C. Cls., 371.

Rectifiers to give notice to rectify.

R. S., § 3259.

Marshals may arrest and take before magistrates any per-

sons operating illicit distilleries.

R. S., §§ 1014-1016.

§ 5, *ante*, pp. 233, 234.

Condition of distiller's export bond for spirits.

R. S., §§ 3329, 3330.

1874, June 9, ch. 259, § 1, *ante*, p. 12.
17 Opins., 579.

Packages in bond for export may be changed.

Penalty on brewers for failure to obey law.

R. S., § 3340.

Drawback of tax on stills exported.

R. S., § 3244.

1880, May 23, ch. 108, § 18, *post*, p. 289.

Imported liquors to be placed in public stores, inspected, and stamped.

R. S., § 2926.

—forfeited if found without stamp.

Casks of, when filled on premises of wholesale dealers, to have special stamp affixed.

Stamps, &c., on imported packages to be defaced, when liquor is drawn off.

person or persons, and take him or them forthwith before some judicial officer named in section one thousand and fourteen of the Revised Statutes, who may reside in the county of arrest or if none, in that nearest to the place of arrest, to be dealt with according to the provisions of sections ten hundred and fourteen, ten hundred and fifteen, ten hundred and sixteen of the said Revised Statutes.

SEC. 10. That section one of an act entitled "An act to facilitate the exportation of distilled spirits, and amendatory of the acts in relation thereto", approved June ninth, eighteen hundred and seventy-four, be amended by inserting, after the word "therein" in the twelfth line, the words "and for the due performance on the part of the exporter or owner at the port of export of all the requirements in regard to notice of export, entry, and the giving of bond hereinafter specified";

And at the end of said section add, "and whenever a distiller of spirits in bond shall desire to change the packages in which the same is contained in order to export them, the Commissioner of Internal Revenue shall be authorized, under regulations to be prescribed by him, and upon the execution of proper bonds with sufficient sureties, to permit the withdrawal of so much spirits from bond and in new packages as the distiller shall desire to export as aforesaid."

[R. S., § 3340.] That section thirty-three hundred and forty of the Revised Statutes be amended by striking out the words "as aforesaid" in the sixth line.

[R. S., § 3244.] That section thirty-two hundred and forty-four of Revised Statutes, and second division, be amended by adding thereto the following words:

"Upon all stills manufactured for export, and actually exported, there shall be allowed a drawback, where the tax thereon has been paid, under such rules and regulations as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe."

IMPORTED-LIQUOR STAMPS, &C.

SEC. 11. That all distilled spirits, wines, and malt liquors, imported in pipes, hogsheads, tierces, barrels, casks, or other similar packages, shall be first placed in public store or bonded warehouse, and shall not be removed therefrom until the same shall have been inspected, marked, and branded by a United States customs-gauger, and a stamp affixed to each package, indicating the date and particulars of such inspection; and the Secretary of the Treasury is hereby authorized to prescribe the form of, and provide, the requisite stamps, and to make all regulations which he may deem necessary and proper for carrying the foregoing requirements into effect.

Any pipe, hogshead, tierce, barrel, cask, or other package withdrawn from public store or bonded warehouse after the thirtieth day of June, eighteen hundred and seventy-nine, purporting to contain imported liquor, found without having thereon the stamp hereby required, shall be, with its contents, forfeited to the United States;

And whenever any cask or package of imported distilled spirits of not less than five wine-gallons is filled for shipment, sale, or delivery on the premises of any wholesale liquor-dealer, the same shall be stamped with a special stamp for imported spirits, under such rules and regulations as the Commissioner of Internal Revenue has prescribed, or may hereafter prescribe, in the case of domestic distilled spirits.

SEC. 12. That every person who empties or draws off, or causes to be emptied or drawn off, the contents of any package of imported liquors stamped as above required, shall, at the time of such emptying, efface, obliterate, and destroy the stamp thereon, and also all other marks or brands which shall have been placed thereon in accordance with the law or regulations concerning imported liquors; * * (1)

NOTE.—(1) Words omitted were stricken out by 1880, May 23, ch. 108, §§ 12, 13. (21 Stat. L., 143.)

Every cask or other package from which the stamp for imported liquors required by this act to be placed thereon shall not be effaced, obliterated, or destroyed, on emptying such package, shall be forfeited, and the same may be seized by any officer of internal revenue wherever found; and all the provisions and penalties of section thirty-three hundred and twenty-four of the Revised Statutes of the United States, relating to empty casks or packages from which the marks, brands, or stamps have not been effaced or obliterated, and relating to the removal of stamps from packages, and to having in possession any stamps so removed, shall apply to the stamps for imported spirits herein provided for, and to the casks or other packages on which such stamps shall have been used.

Penalty for not effacing stamps on emptying packages.

R. S., § 3324.
6 Sawyer, 63.
16 Fed. Rep., 378.
116 U. S., 270.

SEC. 13. That if any person shall purchase or sell, with the imported-liquor stamp herein required remaining thereon, or any of the marks or brands which shall have been placed thereon in accordance with the laws or regulations concerning imported liquors remaining thereon, any cask or other package, after the same has been once used to contain imported liquors and has been emptied; or if any person shall use or have in possession such cask or package, with any imitation of such marks or brands, for the purpose of placing domestic distilled spirits therein for sale; * * (1) every such cask or package, with its contents, if any, shall be forfeited to the United States.

--for dealing in or using empty imported packages with stamps remaining thereon.

--for having, etc., imitation packages.

And every such person who shall violate any of the provisions of this section shall be liable to a penalty of two hundred dollars for every such cask or package so purchased, sold, * * (1) used, or had in possession.

--pecuniary penalty.

TOBACCO.

SEC. 14. [*Part omitted is superseded by 1890, Oct. 1, ch. 1244, §§ 26, 27, 30, post, pp. 862, 863, 864.*]

That section thirty-three hundred and fifty-five be amended by striking out all after the said number, and substituting therefor the following:

Manufacturers of tobacco or snuff to furnish statement to collector before commencing business, &c.
Substitute for R. S., § 3355.

[R. S., § 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;

1890, Oct. 1, ch. 1244, § 26, post, p. 862.

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 not less than two thousand nor more than twenty thousand dollars, to be fixed by the collector of the district, according to the quantum of business proposed to be done by the manufacturer, with right of appeal by the manufacturer to the Commissioner of Internal Revenue in respect to the amount of said bond, 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,

--to give bond.

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.

Additional sureties may be required of.

Manufacturers of tobacco or snuff to obtain certificates of collector, and post the same.

— penalty on, for neglect.

— for manufacturing without giving bond.

Dealers in leaf-tobacco to keep certain books.

Substitute for R. S., § 3360.
16 Blatch., 14.

— penalty on, for neglect, &c.

Packages of tobacco and snuff.

Substitute for R. S., § 3362.
— of tobacco; how put up.

16 Opins., 89.

— of snuff.

— of fine-cut tobacco, &c.

“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; 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 nor 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 nor more than five years.”

That section thirty-three hundred and sixty be, and the same is hereby, amended by striking out all of said section, and by inserting in lieu of the words stricken out, the following words:

[R. S.] “SEC. 3360. Every dealer in leaf-tobacco shall make daily entries in two books kept for that purpose, one book to be furnished by the government, under such regulations as the Commissioner of Internal Revenue shall prescribe, of the number of hogsheads, cases, and pounds of leaf tobacco purchased or received by him on assignment, consignment, transfer, or otherwise, and of whom purchased or received, 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; one of these books shall be kept at his place of business, and shall be open at all hours to the inspection of any internal-revenue officer or agent, and the other shall, at the end of each and every year, and upon the discontinuance of business of any leaf-dealer during any year, be handed over to the collector of his district for the use of the government.

And every dealer in leaf-tobacco who willfully neglects or refuses to keep the books herein provided for, and in the manner which shall be prescribed by the Commissioner of Internal Revenue, or to transfer to the collector of his district, as herein provided, the duplicate copy containing his daily transactions, as aforesaid, shall be fined not less than one hundred dollars nor more than five thousand dollars, and imprisoned not more than one year.”

That section thirty-three hundred and sixty-two be, and the same is hereby, amended by striking out all after said number, and substituting therefor the following:

[R. S., § 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-half, one, two, three, 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, three, 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 sweepings of tobacco, in packages containing two, three, 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.”

That section thirty-three hundred and seventy-one be amended by striking out all after the said number and substituting therefor the following:

[R. S., § 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 satisfactory proof, 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:

Provided, however, That no such assessment shall be made until and after notice to the manufacturer of the alleged sale and removal to show cause against said assessment; and the Commissioner of Internal Revenue shall, upon a full hearing of all the evidence, determine what assessment, if any should be made.”

[R. S., § 3377.] That section thirty-three hundred and seventy-seven be, and the same is hereby, amended by adding thereto the following words:

“*Provided*, That scraps, cuttings, and clippings of tobacco imported from any foreign country may, after the proper customs duty has been paid thereon, be withdrawn in bulk without the payment of the internal-revenue tax, and transferred as material directly to the factory of a manufacturer of tobacco or snuff, or of a cigar-manufacturer, under such restrictions and regulations as shall be prescribed by the Commissioner of Internal Revenue and approved by the Secretary of the Treasury.”

SEC. 15. [The substitute here enacted for R. S., § 3383, is superseded by a later substitute, 1890, Oct. 1, ch. 1244, § 29, post, p. 863.]

[R. S., § 3384.] That section thirty-three hundred and eighty-four be amended by adding thereto as follows:

“And any collector or deputy collector finding such peddler in the act of offending as to either of the offenses mentioned in this

Packages of smoking-tobacco, &c.

— of cavendish, plug, and twist tobacco.

— wooden packages to be marked.

— not to apply to tobacco and snuff for exportation.

Fine-cut shorts, &c., may be sold in bulk between manufacturers and for export without payment of tax.

1883, Jan. 9, ch. 16, post, p. 391.

Assessment of tax on tobacco, snuff, and cigars removed without use of stamps.

Substitute for R. S., § 3371. 3 Hughes, 227.

— previous notice to show cause to be given.

Imported scraps, cuttings, &c., of tobacco may be transferred to factory without payment of internal-revenue tax.

R. S., § 3377

Horses, wagons, packs, &c., of those peddling unlawfully may be

seized by collector, &c.

R. S., § 3384.

Drawback of tax paid on tobacco, snuff, and cigars, when same are exported, &c.

Substitute for
R. S., § 3386.

1875, Feb. 8, ch. 36, §§ 24, 25, *ante*, pp. 61, 62.

— how paid.

— not to be paid until certain certificate is furnished and bond given.

Bond of manufacturer of cigars not to be conditioned to employ only registered makers.

R. S., § 3387.

1890, Oct. 1, ch. 1244, § 35, *post*, p. 865.

Cigars to have label and notice on boxes; penalty for neglect.

Substitute for
R. S., § 3393.

— penalty on manufacturer who neglects, &c.

section, may seize the horse or horses, mule or mules, wagon and contents, or pack, bundle, or basket, of any such person; and the collector shall thereupon proceed upon such seizure as provided in section thirty-three hundred and eighty-three” as amended in the previous section.

SEC. 16. That section thirty-three hundred and eighty-six be, and the same is hereby, amended by striking out all after the said number, and substituting therefor the following :

[R. S., § 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 until a certificate from the collector of customs at the port from which the goods have been exported, or other evidence satisfactory to the Commissioner of Internal Revenue, has been furnished, that the stamps affixed to the tobacco, snuff, or cigars entered and cleared for export to a foreign country were totally destroyed before such clearance; nor until the claimant has filed a bond, with good and sufficient sureties, to be approved by the collector of the district from which the goods are shipped, in a penal sum double the amount of the tax for which said claim is made, that he will procure, within a reasonable time, evidence satisfactory to the Commissioner of Internal Revenue that said tobacco, snuff, or cigars have been landed at any port without the jurisdiction of the United States, or that after shipment the same were lost at sea, and have not been relanded within the limits of the United States.”

[R. S. § 3387.] That section thirty-three hundred and eighty-seven be, and the same is hereby, amended by striking out, after the words “shall be conditioned that”, in the second sentence, the words “he shall not employ any person to manufacture cigars who has not been duly registered as a cigar-maker.”

* * [The substitutes here enacted for R. S., §§ 3389 and 3392 are superseded by later substitutes in 1890, Oct. 1, ch. 1244, §§ 34 and 32, *post*, pp. 865, 864.] * *

That section thirty-three hundred and ninety-three be, and the same is hereby, amended by striking out all after the said number, and substituting the following:

[R. S., § 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, besides 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 not to use either this box for cigars again, or the stamp thereon again, nor to remove the contents of this box without destroying said stamp, under the penalties provided by law in such cases.

“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.”

That section thirty-three hundred and ninety-seven be, and the same is hereby, amended by striking out all after the said number, and substituting therefor the following:

[R. S., § 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 stamping, indenting, burning, or impressing into each box, in a legible and durable manner, the number of the cigars contained therein, the number of the manufactory, 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:

Provided, That cigars packed expressly for export, and which shall be exported to a foreign country under the restrictions and regulations prescribed by the Commissioner of Internal Revenue, and approved by the Secretary of the Treasury, shall be exempt from the provisions of this section, and also from the provisions of section thirty-three hundred and ninety-three of the Revised Statutes, requiring a label to be affixed to each box.”

STAMPS.

SEC. 17. That the Revised Statutes be amended as follows, namely:

That section thirty-four hundred and twenty-six be amended by striking out all after the said number, and substituting therefor the following:

[R. S., § 3426.] “The Commissioner of Internal Revenue may, upon receipt of satisfactory evidence of the facts, make allowance for or redeem such of the stamps issued under the provisions of this title, or of any internal-revenue act, as may have been spoiled, destroyed, or rendered useless or unfit for the purpose intended, or for which the 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 excessive in amount, paid in error, or in any manner wrongfully collected; and such allowance or redemption shall be made either by giving other stamps in lieu of the stamps so allowed for or redeemed, or by refunding the amount or value to the owner thereof, deducting therefrom, in case of repayment, the percentage, if any, allowed to the purchaser thereof;

But no allowance or redemption shall be made in any case until

Cigars removed without boxing, stamping, &c., to be forfeited.

Substitute for
R. S., § 3397.
108 U. S., 177.
18 Fed. Rep.,
148.

—penalty for same.

Penalty for packing in boxes having false or fraudulent stamps, removing stamps, using removed stamps, &c.

Cigars exported exempt from internal-revenue tax.

R. S., § 3393, as amended ante, p. 240.

Redemption of and refund for stamps spoiled, rendered useless, or where tax is excessive in amount, or wrongfully collected, &c.

Substitute for
R. S., § 3426.
11 C. Cls., 659.
13 C. Cls., 365.
96 U. S., 567.

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 the same cannot be so returned.

* * [Part omitted expired and superseded by 1883, March 3, ch. 121, § 1, *post*, p. 404.] * *

Penalties for counterfeiting, &c., or fraudulently using, &c., stamps, dies, plates, &c.

Substitute for R. S., § 3429.
1875, Feb. 8, ch. 36, § 17, *ante*, p. 61.

That section thirty-four hundred and twenty-nine be amended by striking out all after the said number, and substituting therefor the following:

[R. S., § 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;

— for uttering counterfeit stamps, &c.

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;

— for using same.

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;

— for fraudulently cutting, removing, &c., stamps.

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;

— for fraudulently using removed stamps.

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;

Penalty for removing, altering, &c., canceling marks.

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;

— for having in possession washed or altered stamps.

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 article, 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, washed, restored, or altered 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 his 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."

* * [The substitute here enacted for R. S., § 3441, is superseded by 1883, March 3, ch. 121, § 1, post, p. 404, and 1890, June 18, ch. 432, post, p. 759.] * *

SEC. 18. That section thirty-four hundred and forty-six of the Revised Statutes of the United States be, and the same is hereby, amended so as to read as follows:

[R. S.] "SEC 3446. The Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may establish and, from time to time, alter or change the form, style, character, material, and device of any stamp, mark, or label used under any provision of the laws relating to internal revenue.

Such stamps shall be attached, protected, removed, canceled, obliterated, and destroyed, in such manner and by such instruments or other means as he, with the approval of the Secretary of the Treasury, may prescribe; and he is hereby authorized and empowered to make, with the approval of the Secretary of the Treasury, all needful regulations relating thereto; and all pains, penalties, fines, and forfeitures now provided by law relating to internal-revenue stamps shall apply to and have full force and effect in relation to any and all stamps which may or shall be so established by the Commissioner of Internal Revenue":

Provided, Such stamps or device or instrument or means of removal or obliteration, shall entail no additional expense upon the persons required to affix or use the same.

SEC. 19. [The substitute here enacted for R. S., § 3430, is superseded by 1883, March 3, ch. 121, § 1, post, p. 404.]

SEC. 20. [Substitute enacted by 1880, May 28, ch. 108, § 14, post, p. 288.]

SEC. 21. That the word "gallon", wherever used in the internal-revenue law, relating to beer, lager-beer, ale, porter, and other similar fermented liquors, shall be held and taken to mean a wine-gallon, the liquid measure containing two hundred and thirty-one cubic inches.

SEC. 22. That whenever and after any bank has ceased to do business by reason of insolvency or bankruptcy, no (5) tax shall be assessed or collected, or paid into the Treasury of the United States, on account of such bank, which shall diminish the assets thereof necessary for the full payment of all its depositors;

And such tax shall be abated from such national banks as are found by the Comptroller of the Currency to be insolvent;

And the Commissioner of Internal Revenue, when the facts shall so appear to him, is authorized to remit so much of said tax against insolvent State and savings banks as shall be found to affect the claims of their depositors. * * [Remainder of section superseded by 1883, March 3, ch. 121, § 1, post, p. 404.] * *

SEC. 23. That wherever in any of the foregoing sections of this act the Revised Statutes are referred to, it shall be held to mean the "edition of eighteen hundred and seventy-eight". [March 1, 1879.]

NOTE.—(5) All bank taxes are repealed by 1883, March 3, ch. 121, § 1, post, p. 404, except those on circulation, imposed by R. S., §§ 3406-3417, 5214-5218 and 1875, Feb. 8, ch. 36, §§ 19-21, ante, p. 61.

Prima-facie evidence of washing, restoring, &c.

Commissioner may establish and change form of stamps, prescribe manner of attaching, protecting, removing, &c.
Substitute for R. S., § 3446.
16 Opins., 444.

"Gallon" defined.
16 Opins., 361.
15 Fed. Rep., 438.

When tax not to be assessed on insolvent or bankrupt bank.

Tax to be abated from insolvent national banks.

17 C. Cls., 169. 20 C. Cls., 303.
When from insolvent State and savings banks.

References in this to Revised Statutes mean the second edition.

March 3, 1879.

CHAP. 170.—An act to amend section twenty-four hundred and three of the Revised Statutes of the United States, in relation to deposits for surveys.

20 Stat. L., 352.

Deposits for public surveys to go in part payment of lands, or may be assigned and used in payment of lands.

R. S., § 2401.

Substitute for

R. S. § 2403.

1882, Aug. 7, ch. 433, par. 13, post, p. 381.

Be it enacted, &c., That section twenty-four hundred and three of the Revised Statutes of the United States be, and is hereby, amended so as to read as follows:

SEC. 2403. Where settlers make deposits in accordance with the provisions of section twenty-four hundred and one, the amount so deposited shall go in part payment for their land situated in the townships, the surveying of which is paid for out of such deposits; or the certificates issued for such deposits may be assigned by indorsement, and be received in payment for any public lands of the United States entered by settlers under the pre-emption and homestead laws of the United States, and not otherwise. [March 3, 1879.]

March 3, 1879.

CHAP. 173.—An act to amend the act entitled "An act to provide for furnishing trusses to disabled soldiers", approved May twenty-eighth, eighteen hundred and seventy-two.

20 Stat. L., 353.

Trusses; when to be furnished to soldiers, seamen, &c.

Substitute for

R. S., § 1176.

14 Opins., 72.

Be it enacted, &c., That (1) section one of the act entitled "An act to provide for furnishing trusses to disabled soldiers", approved May twenty-eighth, eighteen hundred and seventy two, be, and the same is hereby, amended so that said section shall read as follows:

That every soldier of the Union Army, or petty-officer, seaman, or marine in the naval service, who was (2) ruptured while in the line of duty during the late war for the suppression of the rebellion, or who shall be so ruptured thereafter in any war, shall be entitled to receive a single or double truss of such style as may be designated by the Surgeon-General of the United States Army as best suited for such disability;

And whenever the said truss or trusses so furnished shall become useless from wear, destruction, or loss, such soldier, petty-officer, seaman, or marine shall be supplied with another truss on making a like application as provided for in section two of the original act of which this is an amendment:

Provided, That such application shall not be made more than once in two years and six months;

And provided further, That sections two and three (3) of the said act of May twenty-eighth, eighteen hundred and seventy-two, shall be construed so as to apply to petty-officers, seamen, and marines of the naval service, as well as to soldiers of the Army. [March 3, 1879.]

Trusses: application for and purchase of; how made.

Substitute for

R. S., §§ 1177, 1178.

Notes.—(1) § 1 of the act of 1872, May 23, ch. 228 is incorporated in Revised Statutes as § 1176.

(2) As to artificial limbs, see 1891, March 3, ch. 562, post, p. 947.

(3) These two sections, here referred to, are the same as R. S., §§ 1177, 1178.

March 3, 1879.

CHAP. 174.—An act to validate and confirm certain acknowledgments of deeds and other instruments of writing under seal made in a foreign country for lands lying in the District of Columbia, and the records thereof.

20 Stat. L., 363.

Certain acknowledgments of deeds, &c., for District of Columbia taken in foreign countries made valid.

R. S., § 1750.

R. S. of D. C., § 444.

Be it enacted, &c., That all acknowledgments of deeds and other instruments of writing under seal heretofore made in a foreign country, before any secretary of legation, consul, or consular officer of the United States, for lands lying in the District of Columbia, are hereby validated and confirmed, and the same, and the records of the said deeds and instruments, if the said deeds and instruments have been recorded, are declared to be as good and effectual, in behalf of the grantees therein named, and all persons claiming through or under them, as if the said acknowledgments and records had been respectively made and recorded under the provisions of existing laws:

Provided, That nothing in this act shall be construed [to] divest just rights already acquired in good faith by creditors of or purchasers from the grantors in such deeds or instruments. [March 3, 1879.]

CHAP. 177.—An act to provide for the holding of terms of the district and circuit courts of the United States at Fort Scott, Kansas.

March 3, 1879.

20 Stat. L., 355.

Be it enacted, &c., That there shall be one term of the United States district and circuit courts for the district of Kansas held in the city of Fort Scott in each year, the terms of said courts to be held on the second Monday of January from and after the passage of this act.

Courts in Kansas to be held at Fort Scott.

R. S., §§ 572, 659
1888, Aug. 9, ch
817, *post*, p. 608.

1890, June 9, ch
403, *post*, p. 744.

Marshal and district attorney to appoint deputies for same.

But no cause, action, or proceeding shall be tried or considered in the courts respectively herein provided for unless by consent of all the parties thereto, or order of the court for cause.

SEC. 2. That the clerk of the district court for the district of Kansas, the marshal and district attorney for said district, shall perform the duties pertaining to their offices respectively for said courts; and said clerk and marshal shall appoint a deputy to reside and keep their offices at Fort Scott, and who shall, in the absence of their principals, do and perform all the duties appertaining to their said offices respectively.

SEC. 3. [Superseded, 1885, March 3, ch. 360, 23 Stat. L., 482.] [March 3, 1879.]

CHAP. 180.—An act making appropriations for the service of the Post-Office Department for the fiscal year ending June thirtieth, eighteen hundred and eighty, and for other purposes.

March 3, 1879.

20 Stat. L., 355.

Be it enacted, &c. [Par. 1.] That nothing contained in section thirty-nine hundred and eighty-two of the Revised Statutes shall be construed as prohibiting any person from receiving and delivering to the nearest post-office or postal car mail-matter properly stamped:

Persons may receive and deliver mail-matter at nearest office.

R. S., § 3982.

Provided, further that from and after the passage of this act Senators, Representatives and Delegates in Congress, the Secretary of the Senate and Clerk of the House of Representatives, may send and receive through the mail free, all public documents printed by order of Congress; and the name of each Senator, Representative, Delegate Secretary of the Senate and Clerk of the House shall be written thereon with the proper designation of the office he holds, and the provisions of this section shall apply to each of the persons named herein until the first Monday of December, following the expiration of their respective terms of office.

Members of Congress may send and receive public documents free.

R. S., §§ 3896-3913.

1877, March 3, ch. 103, §7; Dec. 15, ch. 3; *ante*, pp. 186, 150. 1891, March 3, ch. 547, §3, *post*, p. 932. 16 Opins., 271.

Estimates for railway mail service; how to be made, &c.

R. S., § 414.

[Par. 2.] That hereafter, in making his estimates for railway mail service, the Postmaster General shall separate the estimate for postal-car service from the general estimates; and in case any increase or diminution of service by postal cars shall be made by him, the reasons therefor shall be given in his annual report next succeeding such increase or diminution.

Postal employes to wear badges only.

[Par. 3.] That postal clerks, route agents, and mail route messengers shall not be required to wear uniform other than a cap or badge.

Postal cards at two cents each for foreign postal service to be provided.

R. S., § 3916.

[Par. 4.] And the Postmaster-General is hereby authorized to furnish and issue to the public postal cards with postage stamps impressed upon them, for circulation in the mails exchanged with foreign countries under the provisions of the Universal Postal Union Convention of June first, eighteen hundred and seventy eight, at a postage charge of two cents each, including the cost of their manufacture.

What trains to carry mails.

R. S., § 4000.

Postal cars, how constructed.

R. S., § 4005.

1881, March 1, ch. 96, par. 3, post, p. 319.

Postmaster-General may require certain data of railways.

R. S., § 4002.

—to report to Congress.

R. S., § 414.

Classes of mailable matter.

R. S., § 3875.

FIRST-CLASS MATTER.

—postage on.

R. S., § 3903.

—on postal cards.

R. S., § 3916.

—on drop letters.

R. S., § 3904.

—on soldiers', sailors', &c.; when may not be prepaid.

R. S., § 3902.

SECOND-CLASS MATTER.

R. S., § 3877.

—examination of.

—on what conditions publications admitted as.

16 Opins., 303.

SEC. 3. The Postmaster General shall, in all cases, decide upon what trains and in what manner the mails shall be conveyed.

SEC. 4. That all cars or parts of cars used for the railway mail service shall be of such style, length, and character, and furnished in such manner, as shall be required by the Postmaster General, and shall be constructed, fitted up, maintained, heated, and lighted by and at the expense of the railroad companies.

SEC. 5. [*Repealed by 1880, June 11, ch. 206 (26 Stat. L., 178).*]

SEC. 6. That the Postmaster General shall request all railroad companies transporting the mails to furnish, under seal, such data relating to the operating, receipts and expenditures of such roads as may, in his judgment be deemed necessary to enable him to ascertain the cost of mail transportation and the proper compensation to be paid for the same;

And he shall, in his annual report to Congress, make such recommendations, founded on the information obtained under this section, as shall, in his opinion, be just and equitable.

SEC. 7. That mailable matter shall be divided into four classes:

First, written matter;

Second, periodical publications;

Third, miscellaneous printed matter;

Fourth, merchandise.

SEC. 8. Mailable matter of the first class shall embrace letters, postal cards, and all matters wholly or partly in writing, except as hereinafter provided.

SEC. 9. That on mailable matter of the first class, except postal cards and drop letters, postage shall be prepaid at the rate of three cents for each half ounce or fraction thereof (1);

Postal cards shall be transmitted through the mails at a postage charge of one cent each, including the cost of manufacture;

And drop letters shall be mailed at the rate of two cents per half ounce (2) or fraction thereof, including delivery at letter carrier offices, and one cent for each half ounce (2) or fraction thereof where free delivery by carrier is not established.

The Postmaster-General may, however, provide, by regulation, for transmitting unpaid and duly certified letters of soldiers, sailors, and marines in the service of the United States to their destination, to be paid on delivery.

SEC. 10. That mailable matter of the second class shall embrace all newspapers and other periodical publications which are issued at stated intervals, and as frequently as four times a year and are within the conditions named in section twelve and fourteen (3).

SEC. 11. [*See note (3) below.*]

SEC. 12. That matter of the second class may be examined at the office of mailing, and if found to contain matter which is subject to a higher rate of postage, such matter shall be charged with postage at the rate to which the inclosed matter is subject:

Provided, That nothing herein contained shall be so construed as to prohibit the insertion in periodicals of advertisements attached permanently to the same.

SEC. 13. [*See note (3) below.*]

SEC. 14. That the conditions upon which a publication shall be admitted to the second class are as follows:

First. It must regularly be issued at stated intervals, as frequently as four times a year, and bear a date of issue, and be numbered consecutively.

Second. It must be issued from a known office of publication.

Third. It must be formed of printed paper sheets, without board,

NOTES.—(1) Reduced to two cents for each ounce or fraction thereof, by 1885, March 3, ch. 342, par. 4, post, p. 463.

(2) "Ounce" substituted for "half ounce" by 1886, March 3, ch. 342, par. 4, post, p. 463.

(3) Section 11 of this act, fixing the rate of postage on second class matter, is here omitted, as superseded by 1885, March 3, ch. 342, par. 4, post, p. 463; also, § 13, fixing the punishment for submitting false evidence of character of publication, a substitute for which is enacted by 1883, June 18, ch. 394, § 1, post, p. 593.

As to postage on such matter when mailed by others than publishers and news-agents, see 1884, June 9, ch. 73, post, p. 463. As to permissible marks on second, third, and fourth class matter, see 1885, Jan. 20, ch. 2, post, p. 577. As to importation of foreign periodicals, see 1890, June 10, ch. 407, § 4, post, p. 746, 1890, Oct. 1, ch. 1244, par. 657, post, p. 862, and 1891, March 3, ch. 565, § 3, post, p. 952. As to exclusion of lottery advertisements from the mails, see 1890, Sept. 19, ch. 908, post, p. 836.

cloth, leather, or other substantial binding, such as distinguish printed books for preservation from periodical publications.

Fourth. It must be originated and published for the dissemination of information of a public character, or devoted to literature, the sciences, arts, or some special industry, and having a legitimate list of subscribers;

Provided, however, That nothing herein contained shall be so construed as to admit to the second class rate regular publications designed primarily for advertising purposes, or for free circulation, or for circulation at nominal rates.

SEC. 15. That foreign newspapers and other periodicals of the same general character as those admitted to the second class in the United States may, under the direction of the Postmaster General, on application of the publishers thereof or their agents, be transmitted through the mails at the same rates as if published in the United States.

Nothing in this act shall be so construed as to allow the transmission through the mails of any publication which violates any copyright granted by the United States.

SEC. 16. That publishers of matter of the second class may without subjecting it to extra postage, fold within their regular issues a supplement; but in all cases the added matter must be germane to the publication which it supplements, that is to say, matter supplied in order to complete that to which it is added or supplemented, but omitted from the regular issue for want of space, time, or greater convenience, which supplement must in every case be issued with the publication.

SEC. 17. That mail matter of the third class shall embrace books, transient newspapers, and periodicals, circulars, and other matter wholly in print (not included in section twelve), proof sheets, corrected proof sheets, and manuscript copy accompanying the same, and postage shall be paid at the rate of one cent for each two ounces or fractional part thereof, and shall fully be prepaid by postage stamps affixed to said matter.

Printed matter other than books received in the mails from foreign countries under the provisions of postal treaties or conventions shall be free of customs duty, and books which are admitted to the international mails exchanged under the provisions of the Universal Postal Union Convention may, when subject to customs duty, be delivered to addresses in the United States under such regulations for the collection of duties as may be agreed upon by the Secretary of the Treasury and the Postmaster General.

SEC. 18. That the term "circular" is defined to be a printed letter, which, according to internal evidence, is being sent in identical terms to several persons. A circular shall not lose its character as such, when the date and the name of the addressed and of the sender shall be written therein, nor by the correction of mere typographical errors in writing.

SEC. 19. That "printed matter" within the intendment of this act is defined to be the reproduction upon paper, by any process except that of handwriting, of any words, letters, characters, figures, or images, or of any combination thereof, not having the character of an actual and personal correspondence.

SEC. 20. Thatailable matter of the fourth class shall embrace all matter not embraced in the first, second, or third class, which is not in its form or nature liable to destroy, deface, or otherwise damage the contents of the mail bag, or harm the person of any one engaged in the postal service, and is not above the weight provided by law, which is hereby declared to be not exceeding four pounds for each package thereof, except in case of single books weighing in excess of that amount, and except for books and documents published or circulated by order of Congress, or official matter emanating from any of the departments of the government or from the Smithsonian

Foreign periodicals of second class may be so mailed.

1891, March 3, ch. 565, § 3, post, pp. 951, 952.

Publications not to be mailed in violation of copyright law.

1891, March 3, ch. 565, post, p. 951.

Supplements to publications may be sent.

THIRD-CLASS MATTER.

Postage on.

R. S., § 3878.

1884, June 9, ch. 73, post, p. 438.

—in foreign mails

1890, June 10, ch. 407, § 4, post, p. 744.

1890, Oct. 1, ch. 1244, pars. 512-516, post, p. 857.

1891, March 3, ch. 565, §§ 3, 4, post, p. 951.

—circular defined.

Printed matter defined.

FOURTH-CLASS MATTER.

Package above weight of 4 pounds excluded.

R. S., §§ 3879, 3893

Institution, or which is not declared non mailable under the provision of section thirty eight hundred and ninety three (4) of the Revised Statutes as amended by the act of July twelfth, eighteen hundred and seventy six (5), or matter appertaining to lotteries, gift concerts, or fraudulent schemes or devices.

—rate of postage on fourth-class matter.

Proceedings in case of nonmailable matter reaching office of delivery.

SEC. 21. That all matter of the fourth class shall be subject to examination and to a postage charge at the rate of one cent an ounce or fraction thereof, to be prepaid by stamps affixed.

If any matter excluded from the mails by the preceding section of this act, except that declared non mailable by section thirty eight hundred and ninety three (4) of the Revised Statutes as amended, shall, by inadvertence, reach the office of destination, the same shall be delivered in accordance with its address:

Provided, That the party addressed shall furnish the name and address of the sender to the postmaster at the office of delivery, who shall immediately report the facts to the Postmaster General.

If the person addressed refuse to give the required information, the postmaster shall hold the package subject to the order of the Postmaster General.

Obscene books in mail, &c., not to be delivered.
R. S., § 3993.

What may be written on second-class mail-matter.
R. S., §§ 3886, 3887.

1865, March 3, ch. 342, par. 4, post, p. 483.
1868, Jan. 20, ch. 2, post, p. 577.

—on third class.

All matter declared non mailable by section thirty eight hundred and ninety three (4) of the Revised Statutes as amended, which shall reach the office of delivery, shall be held by the postmaster at the said office subject to the order of the Postmaster General.

SEC. 22. That mailable matter of the second class shall contain no writing, print, mark, or sign thereon or therein in addition to the original print, except as herein provided, to wit, the name and address of the person to whom the matter shall be sent, and index figures of subscription book, either written or printed, the printed title of the publication, the printed name and address of the publisher or sender of the same, and written or printed words or figures or both, indicating the date on which the subscription to such matter will end.

Upon matter of the third class, or upon the wrapper inclosing the same, the sender may write his own name or address thereon, with the word "from" above and preceding the same, and in either case may make simple marks intended to designate a word or passage of the text to which it is desired to call attention.

There may be placed upon the cover or blank leaves of any book or of any printed matter of the third class a simple manuscript dedication or inscription that does not partake of the nature of a personal correspondence.

—on fourth class.

Upon any package of matter of the fourth class the sender may write or print his own name and address, preceded by the word "from", and there may also be written or printed the number and names of the articles inclosed;

And the sender thereof may write or print upon or attach to any such articles by tag or label a mark, number, name, or letter for purpose of identification.

When other writing on, or inclosed, letter postage chargeable.

1865, March 3, ch. 342, par. 3, post, p. 483.

— and sender liable to penalty.

SEC. 23. That matter of the second, third, or fourth class containing any writing or printing other than indicated in the preceding section, or made in the manner other than therein indicated, shall not be delivered except upon the payment of postage for matter of the first class, deducting therefrom any amount which may have been prepaid by stamps affixed to such matter; and any person who shall conceal or inclose any matter of a higher class in that of a lower class, and deposit, or cause the same to be deposited, for conveyance by mail, at a less rate than would be charged for both such higher and lower class matter, shall, for every such offense, be liable to a penalty of ten dollars:

Notes.—(4) For substitute for R. S., § 3993, here referred to, see 1868, Sept. 26, ch. 1030, § 2, post, p. 621.
(5) The act of 1876, July 12, ch. 186 (19 Stat. L., 90), is omitted from this work, § 1 having been superseded by 1893, Sept. 26, ch. 1030, § 2, post, p. 621, and § 2 by 1890, Sept. 19, ch. 906, § 1, post, p. 806.

Provided, however That nothing herein contained shall be so construed as to prevent publishers of the second class and news agents from inclosing, in their publications, bills, receipts and orders for subscription thereto; but such bills, receipts, and orders shall be in such form as to convey no other information than the name, location, and subscription price of the publication or publications to which they refer.

Second-class matter.—publishers may inclose bills and receipts.

SEC. 24. That the Postmaster General may prescribe, by regulation, the manner of wrapping and securing for the mails all packages of matter not charged with first class postage, so that the contents of such packages may be easily examined; and no package the contents of which cannot be easily examined shall pass in the mails, or be delivered at a less rate than for matter of the first class.

—regulations for wrapping.

SEC. 25. That publications of the second class, one copy to each actual subscriber residing in the county where the same are printed, in whole or in part, and published, shall go free through the mails; but the same shall not be delivered at letter carrier offices, or distributed by carriers, unless postage is paid thereon at the rate prescribed in section thirteen (6) of this act:

—publications free to subscribers in county of publication.

Provided, That the rate of postage on newspapers, excepting weeklies, and periodicals not exceeding two ounces in weight, when the same are deposited in a letter-carrier office for delivery by its carriers, shall be uniform at one cent each;

—when deposited in letter-carrier offices for delivery to pay postage, except, &c.

Periodicals weighing more than two ounces shall be subject, when delivered by such carriers, to a postage of two cents each, and these rates shall be prepaid by stamps affixed.

SEC. 26. That all mail-matter of the first class upon which one full rate of postage has been prepaid shall be forwarded to its destination, charged with the unpaid rate, to be collected on delivery;

Part-paid letters to be delivered on payment of deficiency by special stamps.

R. S., § 3898.

But postmasters, before delivering the same, or any article of mail-matter upon which prepayment in full has not been made, shall affix, or cause to be affixed, and canceled, as ordinary stamps are canceled, one or more stamps equivalent in value to the amount of postage due on such article of mail-matter, which stamps shall be of such special design and denomination as the Postmaster-General may prescribe, and which shall in no case be sold by any postmaster nor received by him in prepayment of postage. * *

Penalty for failure to account for postage, or to cancel stamps, &c., by officials.

SEC. 27. That any postmaster or other person engaged in the postal service who shall collect, and fail to account for, the postage due upon any article of mail-matter which he may deliver, without having previously affixed and canceled such special stamps, as hereinbefore provided, or who shall fail to affix such stamp, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine of fifty dollars.

SEC. 28. That any person who shall use, or attempt to use, in payment of postage, any canceled postage-stamp or postage-stamps, whether the same have been before used or not, or who shall by any means remove, or attempt to remove, or assist in removing, marks from any postage-stamp or postage-stamps, with intent to use the same in payment of postage, or who knowingly shall have in his possession any postage-stamp or postage-stamps canceled, with intent to use the same, or from which such cancellation-marks have been removed, or who shall sell or offer to sell any such stamp or stamps, or who shall use or attempt to use the same in payment of postage, or who shall remove the superscription from any stamped envelope or postal card that has once been used in the payment of postage, with intent to again use the same for a like purpose, shall be deemed guilty of a misdemeanor, and shall, on conviction thereof, be punished by imprisonment for not less than six months nor more than one year, or by a fine of not less than one hundred dollars nor

—for washing, selling, using, &c., canceled stamps, stamped envelopes, &c.

R. S., §§ 3922-3925.

New sureties for mail contracts may be required. Substitute for R. S., § 3955.

Acting postmasters during vacancy of office to receive pay.

Letter-sheet envelopes.

Double postal cards and double-letter envelopes. R. S., §§ 3914, 3917.

— but no royalty for patent.

When act takes effect; repeal.

more than five hundred dollars for each offense, or by both such fine and imprisonment, in the discretion of the court.

SEC. 30. That section thirty-nine hundred and fifty-five of the Revised Statutes be, and the same is hereby, amended so as to read as follows:

“The Postmaster-General, whenever, he may deem it consistent with the public interest, may accept or require new surety upon any contract existing or hereafter made for carrying the mails, in substitution for and release of any existing surety”.

SEC. 31. Any person performing the duties of postmaster, by authority of the President, at any post-office where there is a vacancy for any cause, shall receive for the term for which the duty is performed the same compensation to which he would have been entitled if regularly appointed and confirmed as such postmaster; and all services heretofore rendered in like cases shall be paid for under this provision.

SEC. 32. That the Postmaster-General is hereby authorized to take the necessary steps to introduce and furnish for public use a letter-sheet envelope, on which postage-stamps of the denominations now in use on ordinary envelopes shall be placed.

And the Postmaster-General is also authorized to introduce and furnish for public use a double postal card, on which shall be placed two one-cent stamps, and said card to be so arranged for the address that it may be forwarded and returned, said cards to be sold for two cents apiece; and also to introduce and furnish for public use a double-letter envelope, on which stamps of the denominations now in use may be placed, and with the arrangement for the address similar to the double postal card;

Said letter-sheet and double postal card and double envelope to be issued under such regulations as the Postmaster-General may prescribe: * *

And provided, That no money shall be paid for royalty or patent on any of the articles named.

SEC. 33. That so much of this act as is embraced in sections four to thirty-one both inclusive, shall take effect from the first day of May, 1879, and all acts or parts of acts inconsistent with the provisions of this act, are hereby repealed. [March 3, 1879.]

March 8, 1879.

20 Stat. L., 377.

Light vessels, expenses of maintaining and repair may be paid from appropriations for works on which employed.

R. S., §§ 3678, 4653-4680.

1884, July 7, ch. 332, par. 2, post, p. 469.

Members of Congress to have ten charts of Coast Survey each session. R. S., § 4691. 1878, June 20, ch.

Issue of coin certificates for bullion, except at New York repealed.

CHAP. 182.—An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and eighty, and for other purposes.

Be it enacted, &c. * * [Par. 1.] The expense of maintaining the vessels of the light-house establishment, may be paid from any surplus of the appropriation for the works, general or special, on which the respective vessels are, for the time being, employed; and the cost of repairs to such vessels may be paid from the appropriation under which they respectively were employed when they were injured or became deteriorated to such an extent as to render the repairs necessary; or, if such appropriation be exhausted, then from the appropriation under which they are respectively to be next employed. * *

[Par. 2.] That Senators, Representatives, and Delegates to the House of Representatives shall each be entitled to not more than ten charts published by the Coast Survey, for each regular session of Congress. * *

359, par. 3, ante, p. 202.

[Par. 3.] And so much of the act “making appropriations for the legislative, executive, and judicial expenses of the government for the fiscal year ending June thirtieth, eighteen hundred and seventy-nine, and for other purposes”, approved June nineteenth, eighteen hundred and seventy-eight, as authorizes the Secretary of the Treas-

ury to issue coin certificates in exchange for bullion deposited for coinage at mints and assay-offices other than those mentioned in section thirty-five hundred and forty-five of the Revised Statutes, be, and the same is hereby, repealed; said repeal to take effect at the end of the present fiscal year. * *

[Par. 4.] That authority be, and is hereby, given to the Secretary of the Treasury to lease, at his discretion for a period not exceeding five years, such unoccupied and unproductive property of the United States under his control, for the leasing of which there is no authority under existing law, and such leases shall be reported annually to Congress. * *

[Par. 5.] Telegraph to connect the Capitol with the departments and the Government Printing Office: * * and the engineer in charge of public buildings and grounds is hereby authorized to sell any condemned material or lines not needed by the departments, and cover the proceeds in the Treasury. * *

[Par. 6.] Support and improvement of the Leavenworth military prison, Fort Leavenworth, Kansas: * * That the Secretary of War shall cause to be fabricated at the said prison such supplies for the Army as can be economically and properly manufactured at the said prison. * *

[Par. 7.] Support of National Home for Disabled Volunteer Soldiers: Current expenses, including repairs: * * That all purchases of supplies exceeding the sum of one thousand dollars at any one time shall be made upon public tender after due advertisement, and that the expenditure for new buildings shall be expressly authorized in writing:

Provided, That the estimates hereafter submitted for the support of the National Home shall be made in detail, specifying the several items of expenditure, and separating the cost of food and other supplies in the form usually adopted for the Army, and that this specification be made for each soldiers' home separately. * *

[Par. 8.] And hereafter the disbursing clerk of the Department of the Interior is hereby required to act as disbursing clerk of the architect of the Capitol, and to disburse all moneys appropriated for the United States Capitol extension and improvement of the grounds, and to receive an annual compensation of one thousand dollars, to be paid out of said appropriation.

[Par. 9.] No work of art or manufacture other than the property of the United States shall be exhibited in the National Statuary Hall, the Rotunda, or the corridors of the Capitol. * *

[Par. 10.] For the salary of the Director of the Geological Survey, which office is hereby established, under the Interior Department, who shall be appointed by the President by and with the advice and consent of the Senate, six thousand dollars:

Provided, That this officer shall have the direction of the Geological Survey, and the classification of the public lands and examination of the Geological Structure, mineral resources and products of the national domain

And that the Director and members of the Geological Survey shall have no personal or private interests in the lands or mineral wealth of the region under survey, and shall execute no surveys or examinations for private parties or corporations; (1)

And the Geological and Geographical Survey of the Territories, and the Geographical and Geological Survey of the Rocky Mountain Region, under the Department of the Interior, and the Geographical Surveys West of the One hundredth Meridian, under the War Department, are hereby discontinued, to take effect on thirtieth day of June, eighteen hundred and seventy-nine.

R. S., §§ 254, 3545.

1878, June 19, ch. 329, par. 4, ante, p. 200.

1882, July 12, ch. 290, § 12, post, p. 356.

Secretary of Treasury may lease unproductive public property.

R. S., § 3749.

Department telegraph, condemned material may be sold.

1874, Feb. 4, ch. 22; March 7, ch. 50; June 23, ch. 461, ante, pp. 3, 5, 46.

Military prison to make supplies for Army.

R. S., § 1351.

1874, May 21, ch. 186, ante, p. 9.

Home for Disabled Volunteers; purchases to be made after advertisement; expenditures for new buildings estimates.

R. S., § 4831.

1875, March 3, ch. 129, and note ante, p. 71.

Disbursements Capitol extension, &c., to be by disbursing clerk Interior.

R. S., § 1816.

1876, Aug. 15, par. 4, ante, p. 119.

Private works of art, &c., excluded from Capitol.

par. 7, ante, p. 73.

Director of Geological Survey, appointment, duties, &c.

R. S., § 2406.

1887, March 3, ch. 362, par. 6, post, p. 563.

1888, Oct. 2, ch. 1069, par. 4, post, p. 626. 1889, March 2, ch. 411, par. 4, post, p. 698.

Certain surveys discontinued.

NOTE.—(1) Two officers of Ordnance Corps may be detailed for Geological Survey duty, 1880, June 16, ch. 235, par. 5, post, p. 236. Scientific employees to be selected exclusively for professional qualifications, 1884, July 7, ch. 332, par. 4, post, p. 469.

Collections from surveys to be deposited in National Museum.

1882, Aug. 7, ch. 433, par. 15, *post*, p. 382.

Publications of geological surveys.

1886, Aug. 4, ch. 902, pars. 3, 4, *post*, p. 513.

1887, March 3, Res. No. 16, *post*, p. 575.

— copies to be printed, distributed, &c.

Proceeds of sale.

Half of support of indigent insane in Government Hospital to be paid by District of Columbia.

R. S., § 4844.

1877, March 3, Archives, &c., relating to Indians collected by Geographical and Geological Surveys to be turned over to Smithsonian Institution.

R. S., §§ 5579-5594.

Allowances to contestants of seats in House of Representatives.

R. S., §§ 128, 130.

1875, March 3, ch. 180, par. 13, *ante*, p. 74.

Bounty to colored soldiers; how paid.

1888, Feb. 1, ch. 4, *post*, p. 578.

— identity of claimant.

— attorney's fee.

And all collections of rocks, minerals, soils, fossils, and objects of natural history, Archaeology, and ethnology, made by the Coast and Interior Survey, the Geological Survey, or by any other parties for the Government of the United States, when no longer needed for investigations in progress shall be deposited in the National Museum. * *

[Par. 11.] The publications of the Geological Survey shall consist of the annual report of operations, geological and economic maps illustrating the resources and classification of the lands, and reports upon general and economic geology and paleontology.

The annual report of operations of the Geological Survey shall accompany the annual report of the Secretary of the Interior.

All special memoirs and reports of said survey shall be issued in uniform quarto series if deemed necessary by the Director, but otherwise in ordinary octavos.

Three thousand copies of each shall be published for scientific exchanges and for sale at the price of publication; and all literary and cartographic materials, received in exchange shall be the property of the United States and form a part of the library of the organization:

And the money resulting from the sale of such publications shall be covered into the Treasury of the United States, under the direction of the Secretary of the Interior; * *

[Par. 12.] Current expenses, Government Hospital for the Insane: * * * *Provided*, That one half of the expense of the indigent patients from the District of Columbia shall be reported to the Treasury Department, and charged against the appropriations to be paid toward the expenses of the District by the general government, without regard to the date of their admission. * *

ch. 105, *ante*, p. 136. 1878, June 11, ch. 180, § 3, *ante*, p. 176.

[Par. 13.] That all the archives, records and materials relating to the Indians of North America, collected by the Geographical and Geological Survey of the Rocky Mountain Region, shall be turned over to the Smithsonian Institution, that the work may be completed and prepared for publication under its direction; *Provided* That it shall meet the approval of the Secretary of the Interior and of the Secretary of the Smithsonian Institution. * *

[Par. 14.] That hereafter no contestee or contestant for a seat in the House of Representatives shall be paid exceeding two thousand dollars for expenses in election contests;

And before any sum whatever shall be paid to a contestee or contestee for expenses of election contest, he shall file with the clerk of the Committee on Elections a full and detailed account of his expenses, accompanied by the vouchers and receipts for each item, which account and vouchers shall be sworn to by the party presenting the same, and no charges for witness fees shall be allowed in said accounts unless made in strict conformity to section one hundred and twenty eight Revised Statutes of the United States. * *

SEC. 2. [Par. 1.] That all sums due upon certificates issued, or which may be issued by the accounting officers of the Treasury in settlement of claims for pay, bounty, prize money, or other moneys due to colored soldiers, sailors or marines, or their legal representatives, shall be paid by the officers of the Pay Department of the Army, under the direction of the Paymaster General, who is already charged with the payment of like dues to white soldiers:

Provided, first, That no such certificate shall be issued until it shall have been ascertained that the application is made by the original claimant, or, if he be dead, by his true living legal representative, nor until the identity of such claimant or representative as the case may be, shall have been duly established:

Provided, That if an agent or attorney be employed, the allow-

ance for his services shall not in any case exceed that contemplated in the scale of fees and allowances fixed by the second section of a joint resolution approved July twenty sixth, eighteen hundred and sixty six, entitled "Joint resolution amendatory of a joint resolution respecting bounties to colored soldiers, and the pensions, bounties, and allowances to their heirs", approved June fifteenth, eighteen hundred and sixty six, and such allowance shall be stated in a separate certificate in favor of the agent or attorney simultaneously with the issue of a certificate for the amount due the claimant: (1) * * [Part omitted is repealed by 1888, Feb. 1, ch. 4 (25 Stat. L., 9).] * *

[Par. 2.] An[d] no power of attorney, transfer or assignment of the amount of such claims, or any part thereof, shall in any case be recognized; Assignments void.

* * [The rest of the section has been executed or has expired.] * *

DISTRICT OF COLUMBIA.

SEC. 3. * * [Par. 1.] Reform School, District of Columbia: Salaries, fuel, and incidental repairs and improvements, * * ; and section thirteen of the act entitled, "An act revising and amending the various acts establishing and relating to the Reform School of the District of Columbia, approved May third, eighteen hundred and seventy-six," is hereby continued in full force. * * Reform School, D. C., payment by District not repealed. 1876, May 3, ch. 90, § 13, ante, p. 108.

[Par. 2.] That the inspector of buildings of the District shall have authority and control over and supervision of the construction and repairs of all school buildings if the Commissioners deem best to delegate the same to him. * * 1879, March 3 ch. 183, par. post, p. 254. In D. C., inspector of buildings to control repair of school buildings. 1878, June 11, ch. 180, §6, ante, p. 178; 1885, Feb. 25, ch. 145, par. 7, post, p. 477.

[Par. 3.] For the Metropolitan police, as follows: * * That all new appointments shall be made to class one. (2) * * Appointments of police to be to class one.

[Par. 4.] And there is hereby appropriated, out of the proportional sum which the United States may contribute toward the expenses of the District of Columbia in pursuance of the Act of Congress, approved June eleventh, eighteen hundred and seventy-eight, for the fiscal year ending June thirtieth, eighteen hundred and seventy nine, and annually thereafter, such sums as will, with the interest thereon at the rate of three and sixty-five hundredths per centum per annum, be sufficient to pay the principal of the three-sixty-five bonds of the District of Columbia, issued under the act of Congress approved June twentieth, eighteen hundred and seventy-four, at maturity; Permanent appropriation for sinking fund of the 3-65 bonds. 1874, June 20, ch. 337, § 7, ante, p. 24; 1875, Feb. 20, ch. 94, ante, p. 64; 1878, June 11, ch. 180, § 4, ante, p. 176. 1891, March 3, ch. 563, post, p. 947.

Which said sums the Secretary of the Treasury shall annually invest in said bonds at not exceeding the par value thereof; and all bonds so redeemed shall cease to bear interest, and shall be cancelled and destroyed in the same manner that United States bonds are cancelled and destroyed. * *

[March 3, 1879.]

NOTE.—(1) The fees allowed by the resolution here referred to (1866, July 26, Res. No. 86, 14 Stat. L., 368), are "for the preparation and prosecution of claims for, and the collection and remittances of all sums not exceeding fifty dollars, five dollars; for sums exceeding fifty and less than one hundred dollars, seven dollars and fifty cents; and for all sums exceeding one hundred dollars, the sum of ten dollars."

(2) See note (3) to 1878, June 20, ch. 350, par. 2. ante, p. 202.

CHAP. 183.—An act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June thirtieth, eighteen hundred and seventy-nine, and for prior years, and for those heretofore treated as permanent, and for other purposes.

March 3, 1879.

20 Stat. L., 410.

Be it enacted, &c. * * [Par. 1.] That upon the request of the head of any department, the Secretary of War be, and he hereby is, authorized and directed to issue arms and ammunition whenever they may be required for the protection of the public money and property, and they may be delivered to any officer of the department desig- Arms and ammunition may be furnished to the departments to protect public property.

nated by the head of such department, to be accounted for to the Secretary of War, and to be returned when the necessity for their use has expired.

Arms and ammunition heretofore furnished to any department by the War Department, for which the War Department has not been reimbursed, may be receipted for under the provisions of this act.

Clerks of courts not to be receivers or masters, except, &c.

R. S., § 748.

22 Fed. Rep., 92.

Provision requiring District of Columbia to pay for support of boys at Reform School not repealed.

1876, May 3, ch. 90, § 13, *ante*, p. 103.

1878, ch. 359 (20 Stat. L., 206).

1879, March 3, ch. 132, par. 1, *ante*, p. 253.

Payments from contingent fund of Senate; how made and vouched for.

R. S., §§ 56, 70, 3680.

1888, Oct. 2, ch. 1069, par. 8, *post*, p. 627.

Settlement of accounts of Pacific railways at Treasury Department.

R. S., § 5260.

1878, May 7, ch. 96, *ante*, p. 166.

[*Par. 2.*] No clerk of the district or circuit courts of the United States or their deputies shall be appointed a receiver or a master in any case except where the judge of said court shall determine that special reasons exist therefor to be assigned in the order of appointment.

[*Par. 3.*] That so much of the act "making appropriations for sundry civil expenses of the government for the fiscal year ending June thirtieth, eighteen hundred and seventy-nine, and for other purposes," approved June twentieth, eighteen hundred and seventy-eight, which makes an appropriation for the expenses of the Reform School of the District of Columbia, shall not be considered as modifying or repealing the thirteenth section of the act entitled "An act revising and amending the various acts establishing and relating to the Reform School of the District of Columbia", approved May third, eighteen hundred and seventy-six.

[*Par. 4.*] That when any duty is imposed upon a committee of the Senate involving expenses which are ordered to be paid out of the contingent fund of the Senate, upon vouchers to be approved by the chairman of the committee charged with such duty, the receipt of the chairman of such committee for any sum paid to him or his order out of said contingent fund by the Secretary of the Senate shall be taken and passed by the accounting officers of the Treasury as a full and sufficient voucher; but it shall be the duty of such chairman, as soon as practicable, to furnish vouchers in detail for the disbursement of such moneys to the Secretary of the Senate, who shall file them with the accounting officers aforesaid; and this provision shall apply to all cases in which orders of the Senate have already been made.

[*Par. 5.*] That for the proper adjustment of the accounts of the Union Pacific, Central Pacific, Kansas Pacific, Western Pacific, and Sioux City and Pacific Railroad Companies, respectively, for services which have been or may be hereafter performed for the government for transportation of the Army and transportation of the mails, the Secretary of the Treasury is hereby authorized to make such entries upon the books of the department as will carry to the credit of said companies the amounts so earned or to be earned by them during each fiscal year and withheld under the provisions of section fifty-two hundred and sixty of the Revised Statutes and of the act of Congress approved May seventh, eighteen hundred and seventy-eight:

Provided, That this shall not authorize the expenditure of any money from the Treasury nor change the method now provided by law for the auditing of such claims against the government;

Provided further, That this paragraph shall not be so construed as to be a disposition of any moneys due or to become due to or from said companies respectively, or to, in any way, affect their rights or duties or the rights of the United States, under existing laws, it being only intended hereby to enable the proper accounting officers to state on the books of the Treasury the accounts between the government and said companies respectively. * * [March 3, 1879.]

March 3, 1879.

20 Stat. L., 467.

Education of the blind.
Preamble.

CHAP. 186.—An act to promote the education of the blind.

Whereas, the trustees, superintendents, and teachers of the various State and public institutions for the instruction of the blind, representing the interests of over thirty thousand blind persons in the United States, have united in a petition to Congress to take into consideration the needs of the blind of the United States; and

Whereas the Association of the American Instructors of the Blind, at their session in Philadelphia, in August, eighteen hundred and seventy-six, representing twenty-six State and public institutions for the instruction of the blind, have set forth in a series of resolutions that the especial needs of the blind are embossed books and tangible apparatus, and have recommended that if any aid should be given by Congress it would most efficiently come through increasing the means of the American Printing House for the Blind, located at Louisville, Kentucky; and

Whereas it appears that the Kentucky legislature, in eighteen hundred and fifty-eight, by an act of special legislation, declared James Guthrie, W. F. Bullock, Theodore S. Bell, Bryce M. Patten, John Milton, H. T. Curd, and A. O. Brannin, and their successors, a body corporate under the name and style of the Trustees of the American Printing House for the Blind, with the avowed purpose of printing books and making apparatus for the instruction of the blind of the United States, for general distribution, and for the sake of philanthropy, and with no desire for pecuniary gain; and

Whereas the States of Louisiana, Mississippi, Tennessee, Kentucky, New Jersey, and Delaware have made appropriations for the aid of said American Printing House for the Blind, of which, on account of the outbreak of the civil war, only a small part of the money appropriated by the first three named States was ever available; and

Whereas by the money from the States of Kentucky, New Jersey, and Delaware, a printing-house for the blind was established, and is now supplied with presses, type, stereotype foundry, steam-engine, a well-equipped bindery, and all the appliances necessary for the manufacture of embossed books, and has for the last ten years been manufacturing embossed books superior in every way to any manufactured elsewhere, which have been distributed gratuitously to the blind in the States of Kentucky, New Jersey, and Delaware, by which the blind in those States have been very much benefited; and

Whereas it is desirable that the blind of the whole country should be equally benefited, and the intentions of the trustees to establish an educational institution of the most practical beneficence and wisest philanthropy upon a national basis, should be accomplished, inasmuch as the education of the blind is a subject of national importance: Therefore,

Be it enacted, &c., That the sum of two hundred and fifty thousand dollars, out of money in the United States Treasury not otherwise appropriated, be, and hereby is, set apart as a perpetual fund for the purpose of aiding the education of the blind in the United States of America, through the American Printing House for the Blind.

Permanent fund created to aid education of the blind through American Printing House for the Blind.

SEC. 2. That the Secretary of the Treasury of the United States is hereby directed to hold said sum in trust for the purpose aforesaid; and it shall be his duty, upon the passage of this act, to invest said sum in United States interest-bearing bonds, bearing interest at four per centum, of the issue of July, eighteen hundred and seventy, and upon their maturity to reinvest their proceeds in other United States interest-bearing bonds, and so on forever.

—held in trust and invested by Secretary of Treasury.

SEC. 3. That the Secretary of the Treasury of the United States is hereby authorized to pay over, semi-annually, to the trustees of the American Printing House for the Blind, located in Louisville, Kentucky, and chartered in eighteen hundred and fifty-eight by the legislature of Kentucky, upon the requisition of their president, countersigned by their treasurer, the semi-annual interest upon the said bonds, upon the following conditions:

—semi-annual interest to be paid to the trustees on condition.

First. The income upon the bonds thus held in trust for the education of the blind shall be expended by the trustees of the American Printing House each year in manufacturing and furnishing embossed books for the blind and tangible apparatus for their instruction;

—methods of expenditure.

And the total amount of such books and apparatus so manufactured and furnished by this income shall each year be distributed among all the public institutions for the education of the blind in the States and Territories of the United States and the District of Columbia, upon the requisition of the superintendent of each, duly certified by its board of trustees.

The basis of such distribution shall be the total number of pupils in all the public institutions for the education of the blind, to be authenticated in such manner and as often as the trustees of the said American Printing House shall require;

And each institution shall receive, in books and apparatus, that

portion of the total income of said bonds held by the Secretary of the Treasury of the United States in trust for the education of the blind, as is shown by the ratio between the number of pupils in that institution for the education of the blind and the total number of pupils in all the public institutions for the education of the blind, which ratio shall be computed upon the first Monday in January of each year.

—not to be expended for buildings. Second. No part of the income from said bonds shall be expended in the erection or leasing of buildings.

Books, &c., to be sold at cost. Third. No profit shall be put on any books or tangible apparatus for the instruction of the blind manufactured or furnished by the trustees of said American Printing House for the Blind, located in Louisville, Kentucky; and the price put upon each article so manufactured or furnished shall only be its actual cost.

Income of fund may be withheld when not properly used. Fourth. The Secretary of the Treasury of the United States shall have the authority to withhold the income arising from said bonds thus set apart for the education of the blind of the United States whenever he shall receive satisfactory proof that the trustees of said American Printing House for the Blind, located in Louisville, Kentucky, are not using the income from these bonds for the benefit of the blind in the public institutions for the education of the Blind in the United States.

Treasurer to give bond. Fifth. Before any money be paid to the treasurer of the American Printing House for the Blind by the Secretary of the Treasury of the United States, the treasurer of the American Printing House for the Blind shall execute a bond, with two approved sureties, to the amount of twenty thousand dollars, conditioned that the interest so received shall be expended according to this law and all amendments thereto, which shall be held by the Secretary of the Treasury of the United States, and shall be renewed every two years.

Certain persons to be *ex officio* trustees. Sixth. The superintendents of the various public institutions for the education of the blind in the United States shall each, *ex officio*, be a member of the board of trustees of the American Printing House for the Blind, located in the city of Louisville, Kentucky.

Trustees to make annual reports, furnish vouchers, &c. SEC. 4. That the trustees of said American Printing House for the Blind shall annually make to the Secretary of the Treasury of the United States a report of the items of their expenditure of the income of said bonds during the year preceding their report, and shall annually furnish him with a voucher from each public institution for the education of the blind, showing that the amount of books and tangible apparatus due has been received.

When act takes effect. SEC. 5. That this act shall take effect from and after its passage. [March 3, 1879.]

March 3, 1879.

20 Stat. L., 400.

CHAP. 187.—An act making appropriations for the payment of the arrears of pensions granted by act of Congress approved January twenty-fifth, eighteen hundred and seventy-nine, and for other purposes.

Be it enacted, &c. * *

Rate of arrears of invalid pensions to be graded, &c. That the rate at which the arrears of invalid pensions shall be allowed and computed in the cases which have been or shall hereafter be allowed shall be graded according to the degree of the pensioners disability from time to time and the provisions of the pension laws in force over the period for which the arrears shall be computed.

Arrears granted even if disability occurred after cessation of hostilities. That section one of the act of January twenty-fifth, eighteen hundred and seventy-nine, granting arrears of pensions shall be construed to extend to and include pensions on account of soldiers who were enlisted or drafted for the service in the war of the rebellion, but died or incurred disability from a cause originating after the cessation of hostilities; and before being mustered out:

1879, Jan. 25, ch. 28, § 1, *ante*, p. 208.

Provided, That in no case shall arrears of pensions be allowed and paid from a time prior to the date of actual disability.

No pension prior to disability.

SEC. 2. All pensions which have been, or which may hereafter be, granted in consequence of death occurring from a cause which originated in the service since the fourth day of March, eighteen hundred and sixty one, or in consequence of wounds or injuries received or disease contracted since that date shall commence from the death or discharge of the person on whose account the claim has been or is hereafter granted if the disability occurred prior to discharge, and if such disability occurred after the discharge then from the date of actual disability or from the termination of the right of party having prior title to such pension:

Arrears of pension granted for causes originating since March 4, 1861, &c.

19 Opins., 190.

Provided, The application for such pension has been or is hereafter filed with the Commissioner of Pensions prior to the first day of July eighteen hundred and eighty, otherwise the pension shall commence from the date of filing the application; but the limitation herein prescribed shall not apply to claims by or in behalf of insane persons and children under sixteen years of age.

Limitation. 1888, June 7, ch. 369, par. 1, post, p. 599.

SEC. 3. Section forty-seven hundred and nine of the Revised Statutes is hereby repealed. [March 3, 1879.]

Repeal of R. S., § 4709.

CHAP. 191.—An act to grant additional rights to homestead settlers on public lands within railroad limits.

March 3, 1879.

20 Stat. L., 472.

Be it enacted, &c., That from and after the passage of this act, the even sections within the limits of any grant of public lands to any railroad company, or to any military road company, or to any State in aid of any railroad or military road, shall be open to settlers under the homestead laws to the extent of one hundred and thirty acres to each settler,

Homestead entries in railway grants; extent of.

R. S. § 2289-2317. 1879, July 1, ch. 60, post, p. 271. 1886, May 6, ch. 88, post, p. 491. 1889, March 2, ch. 381, § 4, post, p. 683.

And any person who has, under existing laws, taken a homestead on any even section within the limits of any railroad or military road land-grant, and who, by existing laws shall have been restricted to eighty acres, may enter under the homestead laws an additional eighty acres adjoining the land embraced in his original entry, if such additional land be subject to entry;

Additional entries over 80 acres previously taken, &c.

1889, March 2, ch. 381, § 5, post, p. 683.

Or if such person so elect, he may surrender his entry to the United States for cancellation, and thereupon be entitled to enter lands under the homestead laws the same as if the surrendered entry had not been made.

—provisions as to such additional entry.

And any person so making additional entry of eighty acres, or new entry after the surrender and cancellation of his original entry, shall be permitted so to do without payment of fees and commissions; and the residence and cultivation of such person upon and of the land embraced in his original entry shall be considered residence and cultivation for the same length of time upon and of the land embraced in his additional or new entry, and shall be deducted from the five years' residence and cultivation required by law:

Provided, That in no case shall patent issue upon an additional or new homestead entry under this act until the person has actually, and in conformity with the homestead laws, occupied, resided upon, and cultivated the land embraced therein at least one year. [March 3, 1879.]

Occupant must have cultivated land one year, &c.

1889, March 2, ch. 381, § 6, post, p. 683.

March 3, 1879.

CHAP. 192.—An act to provide additional regulations for homestead and pre-emption entries of public lands.

20 Stat. L., 472.

Notice of intention to make final proof for entries to be filed.

R. S., §§ 2262, 2291.

—to be published, 26 Fed. Rep., 624.

—what to contain.

—proof, after thirty days.

1877, March 3, ch. 122, ante, p. 148.

—rules respecting.

Be it enacted, &c., That before final proof shall be submitted by any person claiming to enter agricultural lands under the laws providing for (1) pre-emption or homestead entries, such person shall file with the register of the proper land-office a notice of his or her intention to make such proof, stating therein the description of lands to be entered, and the names of the witnesses by whom the necessary facts will be established.

Upon the filing of such notice, the register shall publish a notice, that such application has been made once a week for the period of thirty days, in a newspaper to be by him designated as published nearest to such land, and he shall also post such notice in some conspicuous place in his office for the same period.

Such notice shall contain the names of the witnesses as stated in the application.

At the expiration of said period of thirty days, the claimant shall be entitled to make proof in the manner heretofore provided by law.

1889, March 2, ch. 381, § 7, post, p. 694. 1890, May 26, ch. 355, post, p. 743.

The Secretary of the Interior shall make all necessary rules for giving effect to the foregoing provisions. [March 3, 1879.]

NOTE.—(1) Pre-emption laws repealed and homestead laws amended by 1891, March 3, ch. 561, §§ 4, 5, 6, post, pp. 942, 943.

March 3, 1879.

CHAP. 195.—An act to provide for taking the tenth and subsequent censuses. (1)

20 Stat. L., 477.

Census schedules altered.

R. S., § 2206.

—number one; relative to persons.

1880, April 20, ch. 57, post, p. 281.

—number two; relative to agriculture.

—number three; relative to products of industry.

—number four; relative to towns,

Be it enacted, &c. * * SEC. 17. The schedules of inquiries at the tenth census shall be the same as those contained in section number twenty-two hundred and six of the Revised Statutes of the United States, of eighteen hundred and seventy-eight, with the following exceptions, to wit:

Schedule number one shall contain inquiries as to the relation of each person enumerated to the head of the family, whether wife, son, daughter servant, boarder, or other;

As to the civil conditions of each person enumerated, whether married, widowed, or single;

As to the place of birth of the parents of each person enumerated; As to all foreign-born, whether alien or naturalized persons;

And as to the physical and mental health of each person enumerated whether active or disabled, maimed, crippled, bed-ridden, deaf, dumb, blind, insane, or idiotic, and whether employed or unemployed, and if unemployed during what portion of the year.

From the same schedule the inquiries as to the value of real and personal estate owned shall be stricken out.

To schedule number two, the Superintendent of the Census may, with the approval of the Secretary of the Interior, add inquiries relating to the acreage of the several crops reported; and, with a like approval, may drop from the schedule such of the minor crops as it may be deemed expedient to omit from the enumeration.

Schedule number three shall contain inquiries respecting the kind and amount of power employed in establishments of productive industry, and the kind and number of machines in use, together with the maximum capacity of such establishment, where the Superintendent of Census shall deem such inquiry appropriate;

And the said superintendent may, when he shall regard it expedient, prepare special blank forms for separate industries.

Schedule number four shall contain inquiries relating to the pub-

NOTE.—(1) This act is repealed by 1890, March 1, ch. 319, § 25, post, p. 660. But as § 17 of that act requires the schedules to be the same as those of § 17 of this act, the latter section is retained.

lic indebtedness of cities, counties, incorporated villages, and towns, and school districts;

And of the ownership of the public debt of the United States, by whom owned and the respective amounts; and such additional inquiries respecting the same, as well as respecting the public paupers and criminals, as the Superintendent of Census shall deem necessary to secure full information respecting the numbers and condition of these classes.

Schedule number five shall contain inquiries as to the birthplace of the father and mother of each person reported as having died during the year, and as to the usual occupation of each such person.

The Superintendent of Census shall require and obtain from every railroad corporation, or the lessee or receiver thereof, the following facts, to exhibit the condition of such corporation, and the condition, characteristics, and operations of the railroad or railroads owned or controlled by such corporation, or the lessee or receiver thereof, on the first of June of the year eighteen hundred and eighty, to wit:

The name of the corporation or company, with the corporate names of all leased lines; the number of miles projected or authorized by law or charter, with the several terminal points of the same; the number of miles completed, exhibiting separately the length of lines within each State; the number of miles operated during the last complete fiscal year preceding June first, eighteen hundred and eighty; the capital stock allowed by law or charter, and the amount paid up; the amount of funded and of unfunded debt, with period of funded debt, and rate of interest thereon, and the amount of all sinking funds provided for the redemption of such debts; the number of acres of land derived from public grants remaining unsold; the total cost of construction, of equipment, and of all permanent investments, including the cost of purchase of other lines of road and of telegraph lines; the amount and character of rolling stock; the number and class of employees; the receipts of such corporation or company for the last complete fiscal year preceding June first, eighteen hundred and eighty, exhibiting separately the earnings from through freight, from local freight, from passengers, from expresses, and from mails; the expenses of such corporation or company for said fiscal year, exhibiting separately the amount paid for salaries and wages, for fuel, for national, State, and municipal taxes, for interest on bonds and other debts, for dividends, for repairs, for damage to freight and personal injuries; also, the operations of said fiscal year, including mileage of freight, of passengers, and of construction and repair trains separately, the number of passengers carried, and the amount and class of freight transported each way; also, the number, character, and, so far as ascertained, the cause of all casualties by which life was lost, which occurred upon or within the trains, the tracks, or the buildings of said corporation or company during said fiscal year, and the extent of injury to life and limb resulting therefrom; also the terms of all agreements and contracts by which sleeping cars, palace and parlor cars, so called, express cars, and cars of transportation companies, not identical with the corporation or company making the return herein required, are run upon such road or roads, and the extent of such service, and the amount of all receipts therefrom during the said fiscal year.

The Superintendent of the Census shall require and obtain from the owners, proprietors, or managers of every incorporated express company the following facts to wit: Name of corporation or company; capital paid up; total capital stock, and to what extent the same has been watered, and how often corners have been made on such watered stock; length of lines in miles; whether the business is conducted by rail, vessel, or otherwise; total amount paid to rail-

cities, and counties.

—ownership of debt, &c.

1880, April 20, ch. 57, post, p. 261.

—number five; relative to deaths.

Railroad corporations; facts concerning, to be obtained.

Express companies; facts concerning, to be obtained.

roads or vessels for use of line or lines; number of officers, number of persons engaged in general administration; number of agents and messengers; total receipts, total expenditures, exhibiting separately amount paid for salaries, for repairs, and for general expenses.

Telegraph companies; facts concerning.

He shall also in like manner require and obtain, from the owners, proprietors, or managers of every telegraph company, the following facts, to wit: Name of corporation or company; terminal points connected; capital and capital paid up; length of lines in miles; miles of wire; number of officers; number of persons engaged in general administration; number of persons engaged as telegraph-operators; the number of messages transmitted by officers of the United States; the number of messages transmitted for the press; the number of messages transmitted for private parties; total number of messages transmitted; total receipts from messages; total expenditures of the company, exhibiting separately the amount expended for salaries, for repairs, and for general expenses.

Life-insurance companies.

He shall also, in like manner, require and obtain, from the officers or managers of all life-insurance companies, the following facts, to wit: Name of company; amount of capital and paid up capital; the number of persons employed in the general administration; the number employed as agents; the total gross assets of the company, exhibiting separately realized assets, deferred and unpaid premiums, and premium notes and loans; total liabilities of the company, exhibiting separately losses adjusted and unadjusted, losses resisted, scrip and other dividends, dividends to policy-holders not applied, reinsurance fund; all other claims, including capital; receipts from cash premiums; receipts from all other sources; total cash expenditures, exhibiting separately amount paid for losses and claims, dividends to stock-holders, dividends to policy-holders, commissions, officers' salaries, medical examiners' fees, national, State and local taxation, and all other cash expenditures; amount and character of deposits in each State to secure policy-holders; premium-note expenditures; the number and amount of policies issued during the year; also exhibiting policies terminating during the year, the number and amount terminating by death, by expiration, by surrender, by lapse, by change; total number and amount of policies in force, and the amount of the premiums; the amount of losses in cash and notes and the percentage of the loss to the total amount of policies in force; percentage of assets to risks in force.

Fire and marine insurance companies.

He shall in like manner, require and obtain, from every fire and marine insurance company, the following facts, to wit: Name of company; amount of capital stock; the amount paid up; the number of persons employed in general administration; the number employed as agents; the gross assets of company; the total liabilities, exhibiting separately the amount of losses adjusted, losses unadjusted, losses resisted, reinsurance fund; all other liabilities, including capital; also, the total receipts, exhibiting separately fire premiums, marine and inland premiums and receipts from all other sources, including interest, dividends, and rents; also the total expenditures, exhibiting separately the number and amount of fire losses, of marine and inland losses, dividends, commissions, officers' salaries, State, national, and municipal taxes, and all other expenses.

Other information may be required.

He may require such other information, as to the subjects of this section, as, in his judgment, may be necessary to secure such returns as will exhibit the transactions of said several companies.

* * [March 3, 1879.]

CHAP. 200.—An act for the relief of soldiers and sailors becoming totally blind in the service of the country.

March 3, 1879.

Be it enacted, &c., That the act of June seventeenth, eighteen hundred and seventy eight, entitled "An act to increase the pensions of certain soldiers and sailors who have lost both their hands or both their feet, or the sight of both eyes, in the service of the country", be so construed as to include all soldiers and sailors who have become totally blind from causes occurring in the service of the United States. [March 3, 1879.]

20 Stat. L., 484.
Pension on account of total blindness.
R. S., §§ 4697, 4698. 1878, June 17, ch. 261, *ante*, p. 188. 1890, March 4, ch. 25, *post*, p. 707.

CHAP. 202.—An act to prevent the introduction of infectious or contagious diseases into the United States, and to establish a National Board of Health (1).

March 3, 1879.

Be it enacted, &c., That there shall be established a National Board of Health to consist of seven members, to be appointed by the President, by and with the advice and consent of the Senate, not more than one of whom shall be appointed from any one State, whose compensation, during the time when actually engaged in the performance of their duties under this act, shall be ten dollars per diem each and reasonable expenses, and of one medical officer of the Army, one medical officer of the Navy, one medical officer of the Marine Hospital Service, and one officer from the Department of Justice, to be detailed by the Secretaries of the several Departments and the Attorney General, respectively, and the officers so detailed shall receive no compensation.

20 Stat. L., 484.
National Board of Health established; members, compensation, &c.
R. S., §§ 4792-4796.
1882, Aug. 7, ch. 433, par. 6, *post*, p. 380.
1889, March 2, ch. 410, par. 2, *post*, p. 697.

Said board shall meet in Washington within thirty days after the passage of this act and in Washington or elsewhere from time to time upon notice from the president of the board, who is to be chosen by the members thereof, or upon its own adjournments, and shall frame all rules and regulations authorized or required by this act, and shall make or cause to be made such special examinations and investigations at any place or places within the United States, or at foreign ports, as they may deem best, to aid in the execution of this act and the promotion of its objects.

—meetings, president of, rules, &c.

SEC. 2. The duties of the National Board of Health shall be to obtain information upon all matters affecting the public health, to advise the several departments of the government, the executives of the several States, and the Commissioners of the District of Columbia, on all questions submitted by them, or whenever in the opinion of the board such advice may tend to the preservation and improvement of the public health.

—duties of.
1879, June 14, Res. No. 6, *post*, p. 273.

SEC. 3. [Temporary and expired.]

SEC. 4. [Appropriates \$50,000 to pay salaries and expenses, &c.] [March 3, 1879.]

NOTE.—(1) Congress having ceased for several years past to appropriate for the current salaries and expenses of the National Board of Health, it is no longer in active operation, though never expressly abolished. For a review of legislation as to this Board see 22 C. Cls., 269; 23 C., Cls. 82.

RESOLUTIONS.

NUMBER 1.—Joint resolution for the distribution of the Revised Statutes of the United States to the Post Office Department.

December 21, 1878.
20 Stat. L., 487.

Be it resolved, &c., That out of the fifteen thousand copies of the new edition of the first volume of the Revised Statutes of the United States required by the fourth section of the "Act to provide for the preparation and publication of a new edition of the Revised Statutes of the United States," approved March second, eighteen hundred and seventy-seven, to be printed and bound, the Secretary of State shall furnish to the Post-Office Department, upon the requisition of the Postmaster-General not exceeding two hundred and fifty copies

Revised Statutes (2d edition) to be distributed to Post-Office Department officers.
1877, March 2, ch. 82, *ante*, p. 133.
1878, May 22, Res. No. 22, *ante*, p. 204.

for the use of the officers and special agents of the department and of postmasters at offices of free delivery; no provision having been made for the Post Office Department in the "Joint resolution providing for the distribution and sale of the new edition of the Revised Statutes of the United States," approved May twenty-second, eighteen hundred and seventy-eight. [*December 21, 1878.*]

FORTY-SIXTH CONGRESS—FIRST (EXTRA) SESSION,

IN

THE YEAR 1879.

CHAP. 5.—An act to amend section fourteen hundred and seventeen, fourteen hundred and eighteen, fourteen hundred and nineteen, fourteen hundred and twenty, and sixteen hundred and twenty-four of the Revised Statutes of the United States, relating to the Navy.

May 12, 1879.

21 Stat. L., 3.

Be it enacted, &c., That section fourteen hundred and seventeen of the Revised Statutes of the United States be amended so as to read as follows:

Enlisted men of Navy not to exceed 8,250.

Substitute for R. S. 1417.

“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, and coal-heavers, and including seven hundred and fifty apprentices and boys, hereby authorized to be enlisted annually, shall not exceed eight thousand two hundred and fifty:

Apprentices, &c., to be preferred in appointment of warrant-officers.

Provided, That in the appointment of warrant-officers in the naval service of the United States, preference shall be given to men who have been honorably discharged upon the expiration of an enlistment as an apprentice or boy, to serve during minority, and re-enlisted within three months after such discharge, to serve during a term of three or more years:

Provided further, That nothing in this act shall be held to abrogate the provisions of section fourteen hundred and seven of the Revised Statutes of the United States.”

Promotion of seamen as warrant-officers not affected.

R. S., § 1407.

That section fourteen hundred and eighteen be amended so as to read as follows:

Enlistment of boys and others.

Substitute for R. S., § 1418. 187 U. S., 157.

“SEC. 1418. Boys between the ages of fifteen (1) 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.”

That section fourteen hundred and nineteen be amended so as to read as follows:

—between ages of 15 and 18 years.

Substitute for R. S., § 1419.

“SEC. 1419. Minors between the ages of fifteen (1) and eighteen years shall not be enlisted for the naval service without the consent of their parents or guardians.”

That section fourteen hundred and twenty be amended so as to read as follows:

What persons are prohibited from enlisting.

“SEC. 1420. No minor under the age of fifteen (1) 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.”

That article nineteen of section sixteen hundred and twenty-four be amended so as to read as follows:

Penalty for enlisting prohibited persons.

Substitute for R. S., § 1624, art. 19.

“SEC. 1624. ARTICLE 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 fifteen and eighteen years, without the consent of his parents or guardian, or any minor under the age of fifteen years, shall be punished as a court-martial may direct.” [May 12, 1879.]

May 17, 1879.

CHAP. 8.—An act to amend section fifty-four hundred and forty of the Revised Statutes.

21 Stat. L., 4.
All parties to
conspiracy liable
for act of one.

Substitute for
R. S., § 544C.
100 U. S., 33.
127 U. S., 749.
1 Lowell, 266.
11 Blatch., 168.
16 Blatch., 15, 21.
2 Woods, 175,
749.
§ Woods, 47, 4
Dillon, 128, 145,
407. 5 Dill., 58. 3
Hughes, 553. 27
Fed. Rep. 148. 22
Fed. Rep. 436.

Be it enacted, &c., That section fifty-four hundred and forty of the Revised Statutes of the United States of America be amended so as to read as follows:

If two or more persons conspire either to commit any offense against the United States or to defraud the United States in any manner or for any purpose, and one or more of such parties do any act to effect the object of the conspiracy all the parties to such conspiracy shall be liable to a penalty of not more than ten thousand dollars, or to imprisonment for not more than two years or to both fine and imprisonment in the discretion of the court. [May 17, 1879.]

June 9, 1879:

CHAP. 12.—An act to provide for the exchange of subsidiary coins for lawful money of the United States under certain circumstances, and to make such coins a legal tender in all sums not exceeding ten dollars, and for other purposes.

21 Stat. L., 7.

Silver coins of
less than \$1 may
be exchanged.

R. S., § 3527.
1875, Jan. 14,
ch. 15, *ante*, p. 53.
1876, July 23, Res. No. 17, *ante*, p. 124.

— may be ob-
tained for lawful
money.

R. S., § 3527.
12 Fed. Rep.,
840.

16 Opins., 138.
— to be legal ten-
der for \$10.

R. S., § 3586.

Repeal.

Be it enacted, &c., That the holder of any of the (1) silver coins of the United States of smaller denominations than one dollar, may, on presentation of the same in sums of twenty dollars, or any multiple thereof, at the office of the Treasurer or any assistant treasurer of the United States, receive therefor lawful money of the United States.

SEC. 2. The Treasurer or any assistant treasurer of the United States who may receive any coins under the provision of this act shall exchange the same in sums of twenty dollars, or any multiple thereof, for lawful money of the United States, on demand of any holder thereof.

SEC. 3. That the present silver coins of the United States of smaller denominations than one dollar shall hereafter be a legal tender in all sums not exceeding ten dollars in full payment of all dues public and private.

SEC. 4. That all laws or parts of laws in conflict with this act be, and the same are hereby, repealed. [June 9, 1879.]

NOTE.—(1) See note on silver-coinage acts, appended to 1890, July 14, ch. 706, *post*, p. 774.

June 10, 1879.

CHAP. 16.—An act to confer upon the Commissioners of the District of Columbia certain powers, duties, and limitations contained in chapter eight (Water Service) of the Revised Statutes of the United States relating to the District of Columbia, and for other purposes.

21 Stat. L., 9.

Water service
District Columbia
to be under Com-
missioners.

R. S. of D. C., §§
195-221.

1876, July 12, ch.
— taxes for, to be
uniform.

Interest on.
R. S. of D. C., §
202.

Be it enacted, &c., That the Commissioners of the District of Columbia shall have all the powers and be subject to all the duties and limitations provided in chapter eight of the Revised Statutes of the United States relating to the District of Columbia, excepting such powers and duties as belong to the Chief of Engineers:

180, § 18, *ante*, p. 111. 1885, Feb. 25, ch. 145, par. 8, *post*, p. 477.

Provided, That water-main taxes and water rents shall be uniform in said District:

And provided further, That the rate of interest specified in section two hundred and two of said Revised Statutes shall be increased to ten per centum per annum from and after the passage of this act.

SEC. 2. [Expired.] [June 10, 1879.]

CHAP. 17.—An act authorizing the Commissioners of the District of Columbia to issue twenty-year five per cent bonds of the District of Columbia to redeem certain funded indebtedness of said District.

June 10, 1879.

21 Stat. L., 9.

Be it enacted, &c., That the Commissioners of the District of Columbia be, and they are hereby, authorized to prepare, execute, and deposit with the Secretary of the Treasury of the United States bonds of the District of Columbia, bearing interest not exceeding five per centum per annum, and payable twenty years after date, to the amount of not more than one million two hundred thousand dollars, the proceeds to be used only for the redemption of funded indebtedness of said District or of the late municipal corporations of Washington and Georgetown which became due January first and March first, eighteen hundred and seventy-nine, or those now existing and payable at pleasure, for the redemption of which the sinking fund of said District may not provide.

District of Columbia bonds to be issued to redeem funded debt, &c.

1874, June 20, ch. 337, § 7, *ante*, p. 23.

1891, March 3, ch. 563, *post*, p. 947.

Said five per centum bonds shall be in such form and denominations as the Secretary of the Treasury shall approve, and shall be numbered consecutively and registered in the office of the auditor of said District, and also in the office of the Register of the Treasury of the United States, in such manner as the Secretary of the Treasury may direct, and shall bear the seal of the District of Columbia:

— form, denomination, and registration of.

Provided, That this act shall not be construed to make the government of the United States liable for either the principal or interest of said bonds, or any part thereof.

Said bonds shall be sold by the Secretary of the Treasury to the highest bidder upon public tender, but for not less than their par value, after being advertised for one week in two daily newspapers in the city of Washington and two in the city of New York. The bids shall be opened by the Secretary of the Treasury and the awards approved by him. The money realized from the sale of said bonds shall be paid out by the Secretary of the Treasury only for the purposes named in this act.

— how to be sold, &c.

SEC. 2. That the provisions of all acts conflicting herewith, and the acts or parts of acts authorizing said Commissioners of the District of Columbia to issue bonds to redeem certain bonds of said District falling due January first and March first, eighteen hundred and seventy-nine, no bonds having been issued thereunder, are hereby repealed. (1) [June 10, 1879.]

Repeal.

NOTE.—(1) The parts of act here referred to are in the act of 1873, ch. 359 (20 Stat. L., 206), as amended by act of 1878, ch. 11 (20 Stat. L., 259). They are not printed in this edition because nothing was done under them and they are repealed.

CHAP. 18.—An act to amend an act approved February twenty-fourth, eighteen hundred and seventy-nine entitled "An act to create the northern judicial district of the State of Texas, and to change the eastern and western judicial districts of said State, and to fix the time and places of holding courts in said districts." (1)

June 11, 1879.

21 Stat. L., 10.

Be it enacted, &c., That so much of the act to which this is amendatory as provides that Jackson County shall be embraced in the western judicial district of Texas be, and the same is hereby, repealed, and the said county of Jackson is hereby placed in the eastern judicial district of said State;

Texas, Jackson County transferred from western to eastern judicial district of.

R. S., § 548.

1879, Feb. 24, ch. 97, §§ 2, 3, *ante*, p. 218.

And all process issued against defendants residing therein shall be returned to Galveston;

And all civil causes of action which have accrued in said county, of which the courts of the United States have jurisdiction, shall be cognizable in the court at Galveston, but all offenses committed in said county against the laws of the United States before the passage of this act shall be cognizable in the court of the western district, as provided in said act of the twenty-fourth of February, eighteen hundred and seventy-nine.

NOTE.—(1) See note (1) to 1879, Feb. 24, ch. 97, *ante*, p. 217, as to courts in Texas.

Processes returnable at San Antonio instead of Brownsville for certain counties.

1879, Feb. 24, ch. 97, § 5, *ante*, p. 219.

Districts in Texas to be part of fifth judicial circuit.

R. S., § 604.
1879, Feb. 24, ch. 97, *ante*, p. 217.

Repeal.

SEC. 2. That so much of the act to which this is an amendment as makes all process against defendants residing in the counties of Aransas, Duval, Nueces, La Salle, Zapato, San Patricio, Refugio, Dimmit, Webb, Encinal, and Maverick returnable to Brownsville is hereby repealed, and such process is hereby made returnable to San Antonio; And all causes of civil action which have accrued in said counties, or either of them, since the passage of the act to which this is an amendment, or which shall hereafter accrue, shall be cognizable in the court at San Antonio.

SEC. 3. [*Relates to pending cases.*]

SEC. 4. The several districts as established in the act to which this is an amendment are hereby declared to be a part of the fifth judicial circuit; and the courts of the said northern district shall have the same jurisdiction as is conferred by law upon the courts of the eastern and western district of said State; * * * [*Remainder of section superseded.* 1884, June 20, ch. 102, *post*, p. 439, and 1890, Feb. 4, ch. 5, *post*, p. 703.]

SEC. 5. All laws and parts of laws in conflict with this act are hereby repealed. [*June 11, 1879.*]

June 12, 1879.

21 Stat. L., 11.

Postmaster-General may make temporary contract for carrying mail without advertisement in certain cases.

R. S., § 3941.
1876, Aug. 11, ch. 260, sub-sec. 251, *ante*, p. 117.

CHAP. 20.—An act to extend the time of special postal service until service can be obtained by advertisement.

Be it enacted, &c., * * * [*Part omitted is temporary.*] * *

And whenever an accepted bidder shall fail to enter into contract, or a contractor on any mail-route shall fail or refuse to perform the service on said route according to his contract, or when a new route shall be established or new service required, or when, from any other cause, there shall not be a contractor legally bound or required to perform such service, the Postmaster-General may make a temporary contract for carrying the mail on such route, without advertisement, for such period as may be necessary, not in any case exceeding one year, until the service shall have commenced under a contract made according to law. And any provision of statute in conflict with this provision is hereby repealed. [*June 12, 1879.*]

June 14, 1879.

21 Stat. L., 20.

Vinegar factories established before March, 1879, within 600 feet of distillery, may be operated, &c.

R. S., § 3262.
1879, March 1, ch. 125, § 5, *ante*, p. 231.

2 Bissell, 334.

CHAP. 23.—An act relating to vinegar factories established and operated prior to March first, eighteen hundred and seventy-nine.

Be it enacted, &c., That any vinegar factory for the manufacture of vinegar, established and operated as a vinegar factory prior to March first, eighteen hundred and seventy-nine, may be operated for the manufacture of vinegar by the use of alcoholic vapor within such distance less than six hundred feet of any distillery or rectifying-house under such regulations as the Commissioner of Internal Revenue may prescribe with the approval of the Secretary of the Treasury. [*June 14, 1879.*]

June 21, 1879.

21 Stat. L., 23.

Church property in District Columbia relieved from taxation and from sale of same for taxes heretofore.

CHAP. 33.—An act to relieve the churches of the District of Columbia, and to clear the title of the trustees of such property.

Be it enacted, &c., That so much of an act of Congress entitled "An act for the government of the District of Columbia, and for other purposes", approved June twentieth, eighteen hundred and seventy-four, as was construed to authorize the Commissioners of the District to set aside former exemptions from taxation of church property which was actually held and used for the purpose of divine

worship, and to enforce a tax upon such property, be, and is hereby, repealed; and the title to such property is hereby declared to vest in the trustees, or such other persons as held the title to the same at the time of the passage of the act of eighteen hundred and seventy-four, or their successors in interest, notwithstanding the sale of such property for non-payment of taxes.

SEC. 2. [*Authorizes refund of taxes already collected.*]
[June 21, 1879.]

1874, June 20, ch. 337, § 2, *ante*, p. 22.
1877, March 3, ch. 117, § 8, *ante*, p. 145.

CHAP. 34. An act making appropriations for the legislative, executive, and judicial expenses of the government for the fiscal year ending June thirtieth, eighteen hundred and eighty, and for other purposes.

June 21, 1879.

21 Stat. L., 23.

Be it enacted, &c., * * SEC. 2. * * That hereafter storekeepers at distilleries that mash less than sixty bushels of grain per day shall be allowed not exceeding fifty dollars per month. But when one person acts as storekeeper and gauger, his salary shall not exceed four dollars per day for the time actually employed. * *

Salary of distillery storekeepers. R. S., § 3153.
1876, Aug. 15, ch. 287, par. 7, *ante*, p. 119.
1885, March 3, ch. 343, par. 1, *post*, p. 484.

SEC. 3. That sections forty-seven hundred and seventy-one, forty-seven hundred and seventy-two, and forty-seven hundred and seventy-three of the Revised Statutes of the United States, providing for biennial examinations of pensioners, are hereby repealed:

Biennial examination of pensioners abolished. *Repealing* R. S., §§ 4771-4773. Special examinations. Pensioners to have notice before reduction. R. S., §§ 4775, 4776.

Provided, That the Commissioner of Pensions shall have the same power as heretofore to order special examinations, whenever, in his judgment, the same may be necessary, and to increase or reduce the pension according to right and justice; but in no case shall a pension be withdrawn or reduced except upon notice to the pensioner and a hearing upon sworn testimony, except as to the certificate of the examining surgeon.

1882, July 25, ch. 349, § 2, *post*, p. 360.

In order to provide for the speedy payment of arrearages of pensions, the Secretary of the Treasury is hereby authorized and directed to issue immediately in payment thereof, as they may be adjusted, the legal-tender currency, now in the United States Treasury, held as a special fund for the redemption of fractional currency under section one of joint resolution number seventeen of the Congress of the United States, approved July twenty-second, eighteen hundred and seventy-six.

Notes held as fund for redemption of fractional currency to be issued, &c.

1876, July 22, Res. No. 17, § 1, *ante*, pp. 124, 125.

And fractional currency presented for redemption shall be redeemed in any moneys in the Treasury not otherwise appropriated.

* * [June 21, 1879.]

CHAP. 35.—An act making appropriations for the support of the Army for the fiscal year ending June thirtieth, eighteen hundred and eighty, and for other purposes.

June 23, 1879.

21 Stat. L., 30.

Be it enacted, &c. * * [Par. 1.] And no money appropriated by this act shall be paid for recruiting the Army beyond the number of twenty-five thousand enlisted men, including Indian scouts and hospital stewards; and thereafter there shall be no more than twenty-five thousand enlisted men in the Army at any one time, unless otherwise authorized by law. (1) * *

Army—no more than 25,000 enlisted men.

R. S., § 1115.

1876, Aug. 16, ch. 263, *ante*, p. 118.
1877, Nov. 21, ch. 1, *ante*, p. 149.

[Par. 2.] That no allowance shall be made for claims for quarters for servants heretofore or hereafter; and that the rate of commutation shall hereafter be twelve dollars per room per month for officers' quarters, in lieu of ten dollars, as now provided by law. * *

Commutation for quarters.

R. S., § 1270.

1878, June 18, ch. 263, § 9, *ante*, p. 190.

[Par. 3.] * * Telegrams are authorized to be transmitted by railroad companies which may have telegraph lines, and which shall file their written acceptance of the restrictions and obligations

Telegrams transmitted by certain railroad companies.

R. S., §§ 5256-5269.

1866, Aug. 7, ch. 772, *post*, p. 602.

National Soldiers' Homes, headstones at Central Branch.

1875, March 3, ch. 129, par. 6, and note, *ante*, p. 71.

Army Regulations to be codified.

1875, March 1, ch. 115, *ante*, p. 68. 13 C. Cls., 6.

In Military Academy one professor of modern languages in place of that of French and Spanish.

R. S., § 1809. 16 Opins., 17.

— professors who serve as such ten years to have pay of colonels.

R. S., § 1396.

Detail of Army officer for Indian education.

R. S., § 2071.

Military headquarters; where established.

Repeal of 1878, June 18, ch. 263, § 6 (20 Stat.L., 150).

R. S., § 1136.

imposed on telegraph companies by title sixty-five of the Revised Statutes, for the government and for the general public, at rates to be fixed by the government, according to the provisions of title sixty-five of the Revised Statutes; * *

[Par. 4.] For maintaining and improving national cemeteries. * * And the Board of Managers of the National Home for Disabled Volunteer Soldiers may charge the regulation stone to be used in the Central Branch at a cost not exceeding one dollar and fifty cents additional for each one.

SEC. 2. That the Secretary of War is authorized and directed to cause all the regulations of the Army and general orders now in force to be codified and published to the Army, and to defray the expenses thereof out of the contingent fund of the Army.

SEC. 3. [Repealed 1882, June 30, ch. 254, 22 Stat. L., 118.]

SEC. 4. That when a vacancy occurs in the office of professor of the French language or in the office of professor of the Spanish language in the Military Academy, both these officers shall cease, and the remaining one of the two professors shall be professor of modern languages; and thereafter there shall be in the Military Academy one, and only one, professor of modern languages;

And that section thirteen hundred and thirty-six of the Revised Statutes be, and is hereby, amended by inserting, after the word "service" in the first line, the words "as professor".

SEC. 5. [Temporary; expired.]

SEC. 6. [Temporary.]

SEC. 7. That the Secretary of War shall be authorized to detail an officer of the Army, not above the rank of captain, for special duty with reference to Indian education.

1882, July 31, ch. 363, *post*, p. 362.

SEC. 8. * * That when the economy of the service requires, the Secretary of War shall direct the establishment of military headquarters at points where suitable buildings are owned by the Government. [June 23, 1879.]

June 27, 1879.

21 Stat. L., 35.

Impounding animals in D.C.; rules for.

1880, April 12, Res. No. 25, § 2, par. 1, *post*, pp.

CHAP. 38.—An act authorizing the Commissioners of the District of Columbia to extend the area for the taking up and impounding of domestic animals in the District of Columbia.

Be it enacted, &c., That the Commissioners of the District of Columbia be, and are hereby, authorized to prescribe rules for taking up and impounding of domestic animals found running at large in the District of Columbia. [June 27, 1879.]

304, 306. 1887, Jan. 26, ch. 49; *post*, p. 523.

June 28, 1879.

21 Stat. L., 37.

Mississippi River Commission.

— members of; how appointed.

CHAP. 43.—An act to provide for the appointment of a "Mississippi River Commission" for the improvement of said river from the Head of the Passes near its mouth to its headwaters.

Be it enacted, &c., That a commission is hereby created to be called "The Mississippi River Commission", to consist of seven members.

SEC. 2. The President of the United States shall, by and with the advice and consent of the Senate, appoint seven commissioners, three of whom shall be selected from the Engineer Corps of the Army, one from the Coast and Geodetic Survey, and three from civil life, two of whom shall be civil engineers.

And any vacancy which may occur in the commission shall in like manner be filled by the President of the United States; and he

shall designate one of the commissioners appointed from the Engineer Corps of the Army to be president of the commission.

The commissioners appointed from the Engineer Corps of the Army and the Coast and Geodetic Survey shall receive no other pay or compensation than is now allowed them by law, and the other three commissioners shall receive as pay and compensation for their services each the sum of three thousand dollars per annum; and the commissioners appointed under this act shall remain in office subject to removal by the President of the United States.

SEC. 3. It shall be the duty of said commission to direct and complete such surveys of said river, between the Head of the Passes near its mouth to its headwaters as may now be in progress, and to make such additional surveys, examinations, and investigations, topographical, hydrographical, and hydrometrical, of said river and its tributaries, as may be deemed necessary by said commission to carry out the objects of this act.

—to direct and complete surveys of Mississippi River, &c.

And to enable said commission to complete such surveys, examinations, and investigations, the Secretary of War shall, when requested by said commission, detail from the Engineer Corps of the Army such officers and men as may be necessary, and shall place in the charge and for the use of said commission such vessel or vessels and such machinery and instruments as may be under his control and may be deemed necessary.

—may have detail of Army engineers, &c.
16 Opins. § 559.

And the Secretary of the Treasury shall, when requested by said commission in like manner detail from the Coast and Geodetic Survey such officers and men as may be necessary, and shall place in the charge and for the use of said commission such vessel or vessels and such machinery and instruments as may be under his control and may be deemed necessary.

—and officers and men from Coast and Geodetic Survey.

And the said commission may, with the approval of the Secretary of War, employ such additional force and assistants, and provide, by purchase or otherwise, such vessels or boats and such instruments and means as may be deemed necessary.

—may employ additional force, &c.

SEC. 4. It shall be the duty of said commission to take into consideration and mature such plan or plans and estimates as will correct, permanently locate, and deepen the channel and protect the banks of the Mississippi River; improve and give safety and ease to the navigation thereof; prevent destructive floods; promote and facilitate commerce, trade, and the postal service; and when so prepared and matured, to submit to the Secretary of War a full and detailed report of their proceedings and actions, and of such plans, with estimates of the cost thereof, for the purposes aforesaid, to be by him transmitted to Congress:

—additional duties of.
1888, Aug. 11, ch. 860, § 8, post, p. 610.

Provided, That the commission shall report in full upon the practicability, feasibility, and probable cost of the various plans known as the jetty system, the levee system, and the outlet system, as well as upon such others as they deem necessary.

Mississippi River Commission; to make report.

SEC. 5. The said commission may, prior to the completion of all the surveys and examinations contemplated by this act, prepare, and submit to the Secretary of War plans, specifications, and estimates of costs for such immediate works as, in the judgment of said commission, may constitute a part of the general system of works herein contemplated, to be by him transmitted to Congress.

—to prepare plans, specifications, &c.

SEC. 6. The Secretary of War may detail from the Engineer Corps of the Army of the United States an officer to act as secretary of said commission.

—secretary of, from Engineer Corps of Army.

SEC. 7. The Secretary of War is hereby authorized to expend the sum of one hundred and seventy-five thousand dollars, or so much thereof as may be necessary, for the payment of the salaries herein provided for, and of the necessary expenses incurred in the completion of such surveys as may now be in progress, and of such additional surveys, examinations, and investigations as may be deemed necessary, reporting the plans and estimates, and the plans, speci-

Appropriation to be expended by Secretary of War.

cations, and estimates contemplated by this act, as herein provided for; and said sum is hereby appropriated for said purposes out of any money in the Treasury not otherwise appropriated. [June 28, 1879.]

June 30, 1879.

CHAP. 49.—An act changing the time of holding the November term of the United States district court in the district of Connecticut.

21 Stat. L., 41.

District court for Connecticut; when to be held at Hartford.

R. S., § 572.

Be it enacted, &c., That the term of the United States district court for the district of Connecticut, at Hartford, now held on the fourth Tuesday in November, shall hereafter be held on the first Tuesday of December. [June 30, 1879.]

June 30, 1879.

CHAP. 52.—An act making appropriations for certain judicial expenses for the Government for the fiscal year ending June thirtieth, eighteen hundred and eighty, and for other purposes.

27 Stat. L., 43.

Jurors; per diem.

Be it enacted, &c. * * SEC. 2. That the per diem pay of each juror, grand or petit, in any court of the United States, shall be two dollars;

—in Pennsylvania, to be drawn as elsewhere.

R. S., §§ 800 (in part), 801, 820, 831.

1884, May 13, ch. 46, § 4, *post*, p. 428.

—how to be drawn. R. S., § 800.

6 Fed. Rep., 136.

27 Fed. Rep., 357.

And that the last clause of section eight hundred of the Revised Statutes of the United States, which refers to the State of Pennsylvania, and sections eight hundred and one, eight hundred and twenty, and eight hundred and twenty-one of the Revised Statutes of the United States, are hereby repealed;

And that all such jurors, grand and petit, including those summoned during the session of the court, shall be publicly drawn from a box containing, at the time of each drawing, the names of not less than three hundred persons, possessing the qualifications prescribed in section eight hundred of the Revised Statutes, which names shall have been placed therein by the clerk of such court and a commissioner, to be appointed by the judge thereof, which commissioner shall be a citizen of good standing, residing in the district in which such court is held, and a well-known member of the principal political party in the district in which the court is held opposing that to which the clerk may belong, the clerk and said commissioner each to place one name in said box alternately, without reference to party affiliations, until the whole number required shall be placed therein.

Jurors may be drawn from boxes used by State authorities.

But nothing herein contained shall be construed to prevent any judge from ordering the names of jurors to be drawn from the boxes used by the State authorities in selecting jurors in the highest courts of the State;

— term of service of.

And no person shall serve as a petit juror more than one term in any one year, and all juries to serve in courts after the passage of this act shall be drawn in conformity herewith:

— not disqualified on account of race or color, &c.

Provided, That no citizen possessing all other qualifications which are or may be prescribed by law shall be disqualified for service as grand or petit juror in any court of the United States on account of race, color, or previous condition of servitude.

Attorney-General to report statement of payments.

SEC. 3. That the Attorney-General shall include in his annual report a statement of all payments or expenditures during any fiscal year out of any appropriation fund subject to requisitions by him. [June 30, 1879.]

R. S., § 384.
1874, June 18, ch. 328, par. 10, *ante*, p. 18.

CHAP. 54.—An act relating to vessels not propelled by sail or internal motive power of their own and for other purposes.

June 30, 1879.

21 Stat. L., 44.

Be it enacted, &c., That the provisions of title fifty of the Revised Statutes of the United States shall not be so construed as to require the payment of any fee or charge for the enrolling or licensing of vessels, built in the United States and owned by citizens thereof, not propelled by sail or by internal motive power of their own, and not in any case carrying passengers, whether navigating the internal waters of a state or the navigable waters of the United States, and not engaged in trade with contiguous foreign territory, nor shall this or any existing law be construed to require the enrolling, registering or licensing of any flat boat, barge or like craft for the carriage of freight, not propelled by sail or by internal motive power of its own, on the rivers or lakes of the United States. [June 30, 1879.]

Vessels not propelled by sail or internal power not to pay enrolling or license fee.

Flat boats, barges, &c., not required to be enrolled, registered, or licensed in certain cases.

R. S., §§ 4811-4890, 4182, 4812, 4871, 4884.

16 Opins., 563.

CHAP. 57.—An act providing for filling vacancies in the Office of Chief of Engineers, United States Army.

June 30, 1879.

21 Stat. L., 45.

Be it enacted, &c., That so much of the (1) act of June tenth, eighteen hundred and seventy-two, chapter four hundred and twenty-six, volume seventeen, page three hundred and eighty-two, Statutes at Large, as prohibits promotion in the Corps of Engineers above the rank of colonel, and all other acts prohibiting said promotion, be, and the same are hereby, repealed. [June 30, 1879.]

Promotion of engineers in Army above colonel restored.

R. S., § 1151.

NOTE.—(1) The provision of the act of June 10, 1872, ch. 436 (17 Stat. L., 262), here referred to, is incorporated into the Revised Statutes, and forms the last paragraph of § 1151, which this act repeals.

CHAP. 59.—An act to prescribe the times for holding the circuit and district courts of the United States in the district of Kentucky.

July 1, 1879.

21 Stat. L., 45.

Be it enacted, &c. That the regular terms of the circuit and district courts of the United States in the district of Kentucky shall be held at the times and places following, to wit:

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 first Monday in January and the second Monday in June;

And at Paducah, on the first Monday in April and the third Monday in November.

SEC. 2. The terms of said courts shall not be limited to any particular number of days, nor shall it be necessary to adjourn by reason of the intervention of term elsewhere; but the court intervening may be adjourned until the business of the court in session is concluded.

SEC. 3. Nothing herein contained shall be construed to repeal section five hundred and seventy-eight of the Revised Statutes. [July 1, 1879.]

Kentucky; Terms of circuit and district courts in, when and where to be held.

R. S. §§ 572, 658, 577.

1888, Aug. 8, ch. 792, *post*, p. 607.

— not limited in number of days, &c.

Monthly terms for criminal business.

R. S., § 578.

CHAP. 60.—An act to grant additional rights to homestead settlers on public lands within railroad limits in the States of Missouri and Arkansas.

July 1, 1879.

21 Stat. L., 46.

Be it enacted, &c. That from and after the passage of this act the odd sections within the limits of any grant of public lands to any railroad company in the States of Missouri and Arkansas, or to such

Odd sections of lands granted in aid of railways in

Missouri and Arkansas opened to settlers.

R. S., §§ 2289-2317.

Settlers heretofore restricted to 80 acres may have additional 80 acres.

1879, March 3, ch. 191, *ante*, p. 257.

1886, May 6, ch. 88, *post*, p. 491.

— without fees or commissions.

— residence, &c.; how reckoned.

Settlers must have occupied same one year.

States respectively, in aid of any railroad where the even sections have been granted to and received by any railroad company or by such States respectively in aid of any railroad shall be open to settlers under the homestead laws to the extent of one hundred and sixty acres to each settler;

And any person who has under existing laws taken a homestead on any section within the limits of any railroad grant in said States, and who by existing laws shall have been restricted to eighty acres, may enter under the homestead laws an additional eighty acres adjoining the land embraced in his original entry, if such additional land be subject to entry; or if such person so select, he may surrender his entry to the United States for cancellation, and thereupon be entitled to enter lands under the homestead laws the same as if the surrendered entry had not been made.

And any person so making additional entry of eighty acres, or new entry after the cancellation of his original entry, shall be permitted to do so without payment of fees or commissions;

And the residence of such person upon and cultivation of the land embraced in his original entry shall be considered residence and cultivation for the same length of time upon and of the land embraced in his additional or new entry, and shall be deducted from the five year's residence and cultivation required by law:

Provided, That in no case shall patent issue upon an additional or new homestead entry under this act until the person has actually, and in conformity with the homestead laws, occupied, resided upon, and cultivated the land embraced therein at least one year. [July 1, 1879.]

July 1, 1879.

21 Stat. L., 47.

CHAP. 62.—An act to provide for the conveyance of the low grounds in the city of Washington, under the provisions of the act of Congress, chapter ninety-six, approved May seventh, eighteen hundred and twenty-two.

Secretary of Interior vested with power to convey certain low grounds in Washington, D. C.

1822, May 7, ch. 96, § 3 (3 Stat. L., 691).

Be it enacted, &c., That the powers and duties heretofore in and by the third section of the act of Congress, approved May seventh, eighteen hundred and twenty-two, to wit, chapter ninety-six, of the first session of the seventeenth congress, devolved upon and vested in "the mayor of the city of Washington for the time being," be, and the same hereby are, vested in and devolved upon the Secretary of the Interior, who shall execute the deeds thereby required, under his hand and official seal, when it shall appear to him that the persons applying for such deeds are duly entitled to have the same:

Provided, nevertheless, this act shall not be so construed as to create or revive any right lost by lapse of time. [July 1, 1879.]

July 1, 1879.

21 Stat. L., 48.

CHAP. 63.—An act for the relief of settlers on the public lands in districts subject to grasshopper incursions (1).

Homestead and pre-emption settlers whose crops are injured by grasshoppers may be absent one year under regulations, &c.

R. S., §§ 2257-2268, 2269-2317.

Be it enacted, &c., That it shall be lawful for homestead and pre-emption settlers on the public lands, and in all cases where pre-emptions are authorized by law, where crops have been or may be destroyed or seriously injured by grasshoppers, to leave and be absent from said lands, under such rules and regulations, as to proof of the same, as the Commissioner of the General Land Office shall prescribe;

But in no case shall such absence extend beyond one year continuously;

NOTE.—(1) Previous acts permitting settlers to be absent from their lands in specified years, on account of injury by the grasshoppers, are as follows: 1874, June 18, ch. 308, December 29, ch. 10, 18 Stat. L., 61, 294; 1876, May 20, ch. 102, June 19, ch. 184, 1877, March 3, ch. 127, 19 Stat. L., 54, 59, 405; 1878, June 1, ch. 143, and June 14, ch. 190, 20 Stat. L., 88, 113.

And during such absence no adverse rights shall attach to said lands, such settlers being allowed to resume and perfect their settlement as though no such absence had occurred.

SEC. 2. That the time for making final proof and payment by (2) pre-emptors whose crops shall have been destroyed or injured as aforesaid, may, in the discretion of the Commissioner of the General Land Office, be extended for one year after the expiration of the term of absence provided for in the first section of this act; * * [Omitted part superseded 1891, March 3, ch. 561, § 1, post, p. 940.] [July 1, 1879.]

—time for making proof and payment may be extended.

NOTE.—(2) Pre-emption law repealed by 1891, March 3, ch. 561, § 4, post, p. 942.

RESOLUTION.

NUMBER 6.—Joint resolution authorizing the Secretary of the Navy to place vessels and hulks at the disposal of commissioners of quarantine or other proper persons at the ports of the United States.

June 14, 1879.

21 Stat. L., 50.

Be it resolved, &c., That the Secretary of the Navy be, and he is hereby, authorized, in his discretion, at the request of the National Board of Health, to place gratuitously, at the disposal of the commissioners of quarantine, or the proper authorities at any of the ports of the United States, to be used by them temporarily for quarantine purposes, such vessels or hulks belonging to the United States as are not required for other uses of the national government, subject to such restrictions and regulations as the said Secretary may deem necessary to impose for the preservation thereof. [June 14, 1879.]

Secretary of Navy may place vessels at disposal of quarantine authorities; when. 1878, April 29, ch. 66, ante, p. 157. 1879, March 3, ch. 202, and note ante, p. 261. 1888, Aug. 1, ch. 727, post, p. 600.

FORTY-SIXTH CONGRESS—SECOND SESSION

IN

THE YEARS 1879-1880.

CHAP. 1.—An act authorizing an allowance for loss by leakage or casualty of spirits withdrawn from distillery warehouses for exportation.

Dec. 20, 1879.

Be it enacted, &c., That where spirits are withdrawn from distillery warehouses for exportation according to law, it shall be lawful, under such rules and regulations and limitations as shall be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, for an allowance to be made for leakage or loss by any unavoidable accident, and without any fraud or negligence of the distiller, owner, exporter, carrier, or their agents or employees, occurring during transportation from a distillery warehouse to the port of export;

21 Stat. L., 59.

Allowance for leakage, &c., on spirits withdrawn for exportation.

R. S., § 3330.

1874, June 9, ch. 259, *ante*, p. 12; 1877, March 3, ch. 114, § 5, *ante*, p. 140; 1879, March 1, ch. 125, § 10, § 46, *post*, p. 867.

Nor shall any assessment be collected for such loss or leakage where the same has not been paid on distilled spirits exported since the first day of May, eighteen hundred and seventy-eight.

Unpaid taxes on spirits so lost not to be collected.

SEC. 2. That where the spirits provided for in the preceding section are covered by a valid claim of insurance in excess of the market value thereof, exclusive of the tax, the tax upon such spirits shall not be remitted to the extent of such excessive insurance [*December 20, 1879.*]

To extent of excessive insurance, such tax not to be remitted.

CHAP. 2.—An act relating to printing impressions from portraits and vignettes.

Dec. 22, 1879.

Be it enacted, &c., That the Secretary of the Treasury, at the request of a Senator, Representative, or Delegate in Congress, the head of a department or bureau, art association, or library, be, and he is hereby authorized to furnish impressions from any portrait or vignette which is now, or may hereafter be, a part of the engraved stock of the Bureau of Engraving and Printing, at such rates and under such conditions as he may deem necessary to protect the public interests. [*December 22, 1879.*]

21 Stat. L., 59.

Impressions of portraits, etc., may be furnished from Bureau of Engraving.

1886, Aug. 4, ch. 902, par. 1, *post*, p. 512.

CHAP. 3.—An act to establish a land-district in the Territory of Dakota, and locating the office at Grand Forks.

Jan. 21, 1880.

Be it enacted, &c., That all that portion of the Territory of Dakota lying and being north of the twelfth standard parallel and east of the tenth guide meridian shall constitute a new land-district, to be known as the Grand Forks district.

21 Stat. L., 60.

Grand Forks land district, N. Dak.

R. S., § 2256.

1874, April 24, 946, *post*, p. 807.

SEC. 2. The President is hereby authorized to appoint, in the manner provided by law, a register and a receiver for said district, who

Register and receiver.

R. S., §§ 2234-2247.

shall be required to reside in Grand Forks, in the county of Grand Forks, until such time as the President may, in his discretion, remove the site of said land-office from said Grand Forks; and said register and said receiver shall be subject to the same laws and entitled to the same compensation as is or may be provided by law in relation to existing land offices and officers of said Territory. [January 21, 1880.]

Jan. 22, 1880.

21 Stat. L., 61.

Applications for patents for mineral lands, &c., may be made by agent when claimant resides out of district.

R. S., § 2325.

— pending cases.

On unpatented claims year's work required by law to commence January 1, after location.

R. S., § 2324, 1875, Feb. 11, ch. 41, ante, p. 62.

CHAP. 9.—An act to amend sections twenty-three hundred and twenty-four and twenty-three hundred and twenty-five of the Revised Statutes of the United States concerning mineral lands.

Be it enacted, &c., That section twenty-three hundred and twenty-five of the Revised Statutes of the United States be amended by adding thereto the following words:

“*Provided*, That where the claimant for a patent is not a resident of or within the land district wherein the vein, lode, ledge, or deposit sought to be patented is located, the application for patent and the affidavits required to be made in this section by the claimant for such patent may be made by his, her, or its authorized agent, where said agent is conversant with the facts sought to be established by said affidavits:

And provided, That this section shall apply to all applications now pending for patents to mineral lands.”

SEC. 2. That section twenty-three hundred and twenty-four of the Revised Statutes of the United States be amended by adding the following words:

“*Provided*, That the period within which the work required to be done annually on all unpatented mineral claims shall commence on the first day of January succeeding the date of location of such claim, and this section shall apply to all claims located since the tenth day of May, anno Domini eighteen hundred and seventy-two.” [January 22, 1880.]

Jan. 24, 1880.

21 Stat. L., 62.

Deputy collector of customs, &c., at Seaford, Del. R. S., §§ 2546, 2547.

— salary.

CHAP. 13.—An act authorizing the Secretary of the Treasury to appoint a deputy collector at Seaford, Sussex County, Delaware, and for other purposes.

Be it enacted, &c., That the Secretary of the Treasury be and is hereby authorized to appoint a deputy-collector or other suitable officer at Seaford, Sussex County, Delaware, who shall have power to enter and clear all vessels coming to that port;

And the salary of such officer shall not exceed the sum of five hundred dollars per annum. [January 24, 1880.]

Jan. 29, 1880.

21 Stat. L., 62.

Judicial districts of Georgia. R. S., § 535.

1889, Feb. 15, ch. 168, post, p. 643.

Southern district divided.

1882, April 25, ch. 87, and note, post, p. 336.

— western division.

CHAP. 17.—An act to provide for circuit and district courts of the United States at Macon, Georgia, and to transfer certain counties from the northern to the southern district in said State.

Be it enacted, &c., That the counties of Pike, Butts, and Jasper, heretofore composing a part of the northern district of Georgia, be transferred to, and henceforth form a part of, the southern district of Georgia.

SEC. 2. Said southern district shall be, and hereby is, divided into two divisions, to be known as the eastern and the western divisions of the southern district of Georgia.

The western division shall consist of forty-three counties, to wit: Bibb, Monroe, Jones, Twiggs, Houston, Crawford, Baldwin, Wilkinson, Laurens, Pulaski, Dooly, Macon, Taylor, Upson, Pike, Butts,

Jasper, Putnam, Hancock, Warren, Dodge, Wilcox, Telfair, Sumter, Schley, Marion, Talbot, Harris, Muscogee, Chattahoochee, Stewart, Webster, Lee, Terrell, Randolph, Quitman, Clay, Calhoun, Dougherty, Baker, Early, Miller, and Mitchell.

The eastern division shall consist of the remaining counties in said district.

No additional clerk or marshal shall be appointed in said district.

SEC. 3. A term of the circuit court and of the district court for the southern district of Georgia shall be held at Macon in said State on the first Mondays of May and October in each year.

SEC. 4. All suits not of a local nature in the circuit and district courts against a single defendant, inhabitant of said 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.

All issues of fact in said suits shall be tried at a term of the court held in the division where the suit is so brought.

SEC. 5. Prosecutions for crimes or offenses hereafter committed in either of the sub-divisions shall be cognizable within such division; and all prosecutions for crimes or offenses heretofore committed within either of said counties, taken as aforesaid from the northern district, or committed in the southern district as hitherto constituted, shall be commenced and proceeded with as if this act had not been passed.

SEC. 6. [*Relates to pending cases.*]

SEC. 7. In all cases of removal of suits from the courts of the State of Georgia to the courts of the United States in the southern district of Georgia such removal shall be to the United States courts in the division in which the county is situated from which the removal is made;

And the time within which the removal shall be perfected, in so far as it refers to, or is regulated by, the terms of the United States courts, shall be deemed to refer to the terms of the United States courts in such division.

SEC. 8. All grand and petit jurors summoned for service in each division shall be residents of such division.

All mesne and final process, subject to the provisions hereinbefore contained, issued in either of said divisions may be served and executed in either or both of the divisions.

SEC. 9. This act shall be in force from and after the first day of July anno Domini, eighteen hundred and eighty.

All acts and parts of acts inconsistent herewith are hereby repealed. [*January 29, 1880.*]

1891, March 3, ch. 566, *post*, p. 951.

— eastern division.

No additional clerk or marshal.

Term of circuit court at Macon.

R. S., §§ 572, 658.

Suits in circuit and district courts; in which division to be brought.

R. S., § 740.

Issues of fact; where to be tried.

Prosecutions for offenses; in which division to be commenced.

Removal of suits from State courts in Georgia to what division.

Residence of jurors.

Process from either division may be served in the other.

When act takes effect.

Repeal.

CHAP. 18.—An act to provide for circuit and district courts of the United States at Columbus, Ohio, and transferring certain counties from the northern to the southern district in said State.

Feb. 4, 1880.

21 Stat. L., 63.

Be it enacted, &c., That the counties of Union, Delaware, Morrow, Knox, Coshocton, Harrison, and Jefferson, heretofore composing a part of the northern district of Ohio, be transferred to, and henceforth form a part of, the southern district of Ohio.

SEC. 2. A term of the circuit court and of the district court for the southern district of Ohio shall be held at Columbus in said State on the first Tuesday of the months of June and December in each year.

SEC. 3. Said southern district shall be, and hereby is, divided into two divisions, to be known as the eastern and the western division of the southern district of Ohio.

The eastern division shall consist of twenty-nine counties, to wit: Union, Delaware, Morrow, Knox, Coshocton, Harrison, Jefferson, Madison, Fayette, Franklin, Pickaway, Ross, Pike, Gallia, Jackson,

Ohio. Counties transferred to southern judicial districts.

R. S., § 544.

Terms of circuit court at Columbus.

R. S., §§ 572, 658.

Southern district divided.

— eastern division.

1891, March 2, ch. 493, *post*, p. 900.
— western division.

Clerk and marshal.

6 Fed. Rep., 599.
Suits; in which division to be brought and where issues to be tried.

R. S., § 740.

Prosecutions for offenses; in which division to be commenced.

Residence of jurors.

Process from either division may be served in the other.

Removal of suits from State courts; to which division.

When act takes effect.

Repeal.

Meigs, Vinton, Athens, Hocking, Fairfield, Licking, Perry, Muskingum, Morgan, Washington, Noble, Monroe, Belmont, and Guernsey; And the western division shall consist of the remaining counties in said district.

But no additional clerk or marshal shall be appointed in said district.

SEC. 4. All suits not of a local nature in the circuit and district courts against a single defendant, inhabitant of said 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.

All issues of fact in said suits shall be tried at a term of the court held in the division where the suit is so brought.

SEC. 5. All prosecutions for crimes or offenses hereafter committed in either of the sub-divisions shall be cognizable within such division; and all prosecutions for crimes or offenses heretofore committed within either of said counties taken as aforesaid from the northern district, or committed in the southern district as hitherto constituted, shall be commenced and proceeded with as if this act had not been passed.

SEC. 6. [*Relates to pending cases.*]

SEC. 7. All grand and petit jurors summoned for service in each division shall be residents of such division.

All mesne and final process subject to the provisions hereinbefore contained issued in either of said divisions may be served and executed in either or both of the divisions.

SEC. 8. In all cases of removal of suits from the courts of the State of Ohio to the courts of the United States in the southern district of Ohio, such removal shall be to the United States courts in the division in which the county is situated from which the removal is made;

And the time within which the removal shall be perfected in so far as it refers to or is regulated by the terms of the United States courts, shall be deemed to refer to the terms of the United States courts in such division.

SEC. 9. This act shall be in force from and after the first day of March, anno Domini eighteen hundred and eighty;

And all acts and parts of acts inconsistent herewith are hereby repealed. [*February 4, 1880.*]

Feb. 14, 1880.

CHAP. 25.—An act authorizing the conversion of national gold banks.

21 Stat. L., 65.
National gold banks may become currency banks.

R. S., §§ 5133, 5154, 5185.

1892, July 12, ch. 290, and note, *post*, pp. 353, 354.

Date of organization certificates.

Be it enacted, &c., That any national gold bank organized under the provisions of the laws of the United States, may, in the manner and subject to the provisions prescribed by section fifty-one hundred and fifty-four of the Revised Statutes of the United States, for the conversion of banks incorporated under the laws of any State, cease to be a gold bank, and become such an association as is authorized by section fifty-one hundred and thirty-three, for carrying on the business of banking, and shall have the same powers and privileges, and shall be subject to the same duties, responsibilities, and rules, in all respects, as are by law prescribed for such associations:

Provided, That all certificates of organization which shall be issued under this act shall bear the date of the original organization of each bank respectively as a gold bank. [*February 14, 1880.*]

CHAP. 30.—An act authorizing the Secretary of the Treasury to appoint a deputy collector at Lake Charles, Louisiana. Feb. 24, 1880.

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized to appoint a deputy-collector at Lake Charles, Calcasieu Parish, State of Louisiana, who shall have power to enter and clear all vessels coming to that port. [*February 24, 1880.*]

21 Stat. L., 66.
Deputy collector of customs at Lake Charles, La.
R. S., § 2569.

CHAP. 37.—An act to amend section three thousand and twenty of the Revised Statutes. March 10, 1880.

Be it enacted, &c., That section three thousand and twenty of the Revised Statutes be so amended as to read as follows:

SEC. 3020. Where fire-arms, scales, balances, shovels, spades, axes, hatchets, hammers, plows, cultivators, mowing-machines, and reapers, manufactured with stock 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 where the imported material exceeds one-half of the value of the material used.

21 Stat. L., 67.
Manufactures of wood, in part imported and in part native; when entitled to drawback.
R. S., § 3019.
Substitute for
R. S., § 3020.
1890, Oct. 1, ch. 1244, § 25, *post*, p. 862.

And where cans, manufactured in whole or in part of imported material, filled with products grown or produced in the United States, are exported for benefit of such drawback, the same shall, in all cases, be entitled to the drawback provided for in the preceding section where the imported material used in the manufacture of such cans shall equal seventy per centum of the value of all the material used in the manufacture thereof. [*March 10, 1880.*]

Cans filled with domestic products entitled to drawback on export; when, &c.

CHAP. 41.—An act to authorize the Secretary of the Interior to deposit certain funds in the United States Treasury in lieu of investment. April 1, 1880.

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized to deposit, in the Treasury of the United States, any and all sums now held by him, or which may hereafter be received by him, as Secretary of the Interior and trustee of various Indian tribes, on account of the redemption of United States bonds or other stocks and securities belonging to the Indian trust-fund, and all sums received on account of sales of Indian trust lands, and the sales of stocks lately purchased for temporary investment, whenever he is of the opinion that the best interests of the Indians will be promoted by such deposits, in lieu of investments;

21 Stat. L., 70.
Secretary of Interior may deposit Indian trust funds in Treasury.
R. S., § 3659.
1876, June 10, ch. 122, *ante*, p. 105.

And the United States shall pay interest semi-annually, from the date of deposit of any and all such sums in the United States Treasury, at the rate per annum stipulated by treaties or prescribed by law, and such payments shall be made in the usual manner, as each may become due, without further appropriation by Congress. [*April 1, 1880.*]

Interest; how payable; permanent appropriation for same.

CHAP. 47.—An act for protection of the Potomac fisheries in the District of Columbia, and for the preservation of shad and herring in the Potomac River. April 6, 1880.

Be it enacted, &c., That it shall not be lawful to fish with fyke-net, pound-net, stake-net, weir, float-net, gill-net, haul-seine, or any other contrivance, stationary or floating, in the waters of the Potomac River, within the District of Columbia, after the thirtieth day of May in any year. (1)

21 Stat. L., 71.
In District of Columbia certain fishing in Potomac River prohibited from May 30 to January 1.

NOTE.—(1) By 1885, March 2, ch. 316, § 1, *post*, p. 490, and 23 Stat. L., 340, all fishing of the character herein described was prohibited for a term of five years; but that provision expired by its own limitation March 2, 1890.

During fishing season time between sundown Saturday and midnight Sunday closed, &c.

Black bass or salmon not to be taken except with hook and line.

Shad or herring not to be sold, &c., after June 10.

1880, Apr. 24, Res. No. 25, § 2, par. 3, post, p. 303.

Penalty; disposition of fines; pay to informer.

Act does not prohibit fishing with the out line, nor prevent Commissioner of Fisheries taking fish.

SEC. 2. That during the fishing season, namely, from the first day of January to the thirtieth day of May in every year, there shall be observed in each week a closed season, beginning at sundown on Saturday evening and ending at midnight on Sunday night, during which time it shall be unlawful to lay out any haul seine or float net, or to fish the same, and all stake-nets, and the leaders of all hedges or pounds, fyke-nets and weirs, shall be lifted clear of the water so as to allow unobstructed passage to the fish: *Provided*, That in the case of weirs it will be sufficient to remove a section of the hedging next the pound or pen, not less than twelve feet in length.

SEC. 3. That it shall be unlawful for any person to take, in any other manner than by angling, or with the out line, any fish of the species known as "black bass" or "salmon".

SEC. 4. That it shall be unlawful for any person to have in possession or expose for sale in the District of Columbia, after the tenth day of June in any year, fish of the shad or herring species (fresh), under a penalty of five dollars for every fish so exposed or found in possession.

SEC. 5. That any person who shall offend against any of the provisions of this act, shall be deemed guilty of a misdemeanor, and upon sufficient proof thereof in the Police Court or other court of the District shall be fined not less than ten nor more than one hundred dollars for each offense, and shall forfeit to the District his nets, boats, and other apparatus, which shall be sold and the proceeds of such sales and all fines accruing under this act shall be paid into the Treasury, and therefrom, to the informer, in each case where conviction ensues, shall be paid the sum of ten dollars:

Provided, That nothing in this act shall be construed to prohibit angling or fishing with the out line, or to prevent the Commissioner of Fish and Fisheries, or his agents, from taking from the waters named, in any manner desired, fish of any kind for scientific purposes, or for the purposes of propagation.

[April 6, 1880.]

April 7, 1880.

21 Stat. L., 71.

Postmaster-General not to expedite mail service at pay above 50 per cent. of contract.

R. S., § 3961.
131 U. S., 31.

April 16, 1880.

21 Stat. L., 74.

Justices of peace in Territories to fill vacancies; how appointed.

R. S., § 1856.

—to hold only till successors are elected, &c.

Repeal.

CHAP. 48.—An act to provide for a deficiency in the appropriations for the transportation of the mails on Star routes for the fiscal year ending June thirtieth, eighteen hundred and eighty, and for other purposes.

Be it enacted, &c. SEC. 2. * * That the Postmaster-General shall not hereafter have the power to expedite the service under any contract either now existing or hereafter given to a rate of pay exceeding fifty per centum upon the contract as originally let. * *
[April 7, 1880.]

CHAP. 56.—An act relating to justices of the peace in the Territories.

Be it enacted, &c., That when from any cause there shall be a vacancy in the office of justice of the peace in any of the Territories of the United States, it shall be lawful to fill such vacancy by appointment or election, in such manner as has been or may be provided by the governor and legislative assembly of such Territory:

Provided, That such appointee, or person elected to fill such vacancy, shall hold office only until his successor shall be regularly elected and qualified as provided by law.

SEC. 2. That all laws and parts of laws in conflict with the provisions of this act be, and the same are hereby, repealed. [April 16, 1880.]

CHAP. 57.—An act to amend an act entitled “An act to provide for taking the tenth and subsequent censuses”, approved March third, eighteen hundred and seventy-nine.

April 20, 1880.

21 Stat. L., 75.

Be it enacted, &c. * * SEC. 2. That the seventeenth section of an act entitled “An act to provide for the taking of the tenth and subsequent censuses” be amended by striking out so much thereof as provides that schedule one contain an inquiry as to the naturalization of foreign-born persons, and that schedule four contain an inquiry relating to the ownership of the public debt of the United States, by whom owned, and the respective amounts:

Information as to naturalization not to be taken.

Provided, That the Superintendent of the Census shall collect and collate, as far as possible, by experts and agents and from officers of the government, information in relation to the ownership of the public debt of the United States. (1) [April 20, 1880.]

Inquiries concerning ownership of public debt.

R. S., § 2206, Sched. 1, 4.

NOTE.—(1) All the rest of this act is superseded by 1889, March 1, ch. 319, *post*, p. 653. See note, 1879, March 3, ch. 195, *ante*, p. 258.

CHAP. 58.—An act to provide for the establishing of terms of court in the district of Colorado.

April 20, 1880.

21 Stat. L., 76.

Be it enacted, &c., That terms of the circuit and district courts of the United States for the district of Colorado shall be held at the times and places hereinafter designated, namely:

In Colorado, circuit and district courts; when and where to be held.

[Omitted words superseded 1886, Aug. 3, ch. 848, *post*, p. 510.]

1876, June 26, ch. 147, § 1, *ante*, p. 106.

SEC. 2. Whenever the terms of the said circuit and district courts shall be held at the same time and place, grand and petit jurors summoned to attend in either of said courts may serve in the other of said courts, and but one grand or petit jury shall be summoned to attend on said courts at one and the same time;

Summons and attendance of jurors.

1886, Aug. 3, ch. 848, *post*, p. 510.

But this provision shall not prevent either of said courts from procuring the attendance of several panels of jurors successively, as the business of the courts may require.

SEC. 3. The records of the district court in the several divisions of the district of Colorado, as declared by the act approved February fifteenth, eighteen hundred and seventy-nine, entitled “An act to provide for holding terms of the circuit and district courts in the district of Colorado”, shall be kept and retained in the clerk’s office of the district court of Colorado;

Records of district courts in divisions, by whom to be kept.

1879, Feb. 15, ch. 82 (20 Stat. L., 292.)

And the district court sitting at the places mentioned in this act respectively, shall have jurisdiction of actions, civil and criminal, heretofore brought and now pending at any such place.

Jurisdiction of district court.

Actions, suits, and proceedings pending and undetermined in the district court for the southern and western divisions, as declared by said act, of which a circuit court has jurisdiction exclusive of the district court, may be certified into the circuit court sitting at the same place, for further proceedings therein and for final hearing or trial thereof.

Pending action in southern and western divisions.

SEC. 4. [Repeals act of 1879, Feb. 15, ch. 82, 20 Stat. L., 292.] [April 20, 1880.]

CHAP. 71.—An act for the establishment of a land-office in the Territory of Montana.

April 30, 1880.

21 Stat. L., 81.

Be it enacted, &c., That all that portion of the Territory of Montana which lies east of the twenty-seventh range east of the principal meridian which is not now or hereafter may be included in any Indian reservation, be, and the same is hereby, designated as the district of the Yellowstone, and constituted a separate land district, with a United States land-office at Miles City, within said district.

Yellowstone land district in Montana.

R. S., § 2256. 1874, June 20 ch. 342, *ante*, p. 26.

1890, April 1, ch. 60, *post*, p. 710.

—register and receiver for.

R. S., § 2294.

SEC. 2. The President shall appoint a register and receiver for said office, who shall be entitled to such compensation as is now provided by law, which compensation shall be paid from the fund appropriated for such purposes. [April 30, 1880.]

May 3, 1880.

21 Stat. L., 86.

In Navy rations Secretary of Navy may substitute desiccated tomatoes for desiccated potatoes.

R. S., § 1580.

CHAP. 73.—An act making appropriations for the Naval service for the fiscal year ending June thirtieth, eighteen hundred and eighty-one, and for other purposes.

Be it enacted, &c., * * That the Secretary of the Navy may substitute for the ration of "two ounces of desiccated potatoes" six ounces of desiccated tomatoes 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 the same shall be acceptable to the men. * * [May 3, 1880.]

May 11, 1880.

21 Stat. L., 131, 132.

Secretary of Interior may purchase articles made at Indian training schools.

R. S., § 2083.

Limitation of annual expenditures at Indian agencies not to apply to sums paid teachers and Indians.

1875, March 3, ch. 132, § 5, *ante*, p. 79.

Indians not to be granted permits to go into Texas; officers liable to dismissal for violation.

—Secretary of Interior to prevent Indians going there.

CHAP. 85.—An act making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June thirtieth, eighteen hundred and eighty-one, and for other purposes.

Be it enacted, &c., * * [Par. 1.] That the Secretary of the Interior be, and he is hereby, authorized, whenever it can be done advantageously, to purchase for use in the Indian service, from Indian manual and training schools, in the manner customary among individuals such articles as may be manufactured at such schools, and which are used in the Indian service. Accounts of such transactions shall be kept in the Indian Bureau and in the training schools, and reports thereof made from time to time. * *

[Par. 2.] That teachers and Indians employed at agencies in any capacity shall not be construed as part of agency employees named in section five of the act making appropriations for the Indian service for the fiscal year ending June thirtieth, eighteen hundred and seventy-six, approved March third, eighteen hundred and seventy-five. * *

SEC. 4. * * That all officers and agents of the Army and Indian Bureaus are prohibited, except in a case specially directed by the President, from granting permission in writing or otherwise to any Indian or Indians on any reservation to go into the State of Texas under any pretext whatever; and any officer or agent of the Army or Indian Bureau who shall violate this provision shall be dismissed from the public service.

And the Secretary of the Interior is hereby directed and required to take at once such other reasonable measures as may be necessary in connection with said prohibition to prevent said Indians from entering said State. * * [May 11, 1880.]

May 14, 1880.

21 Stat. L. 140.

On relinquishment of pre-emption, homestead or timber-culture claim, land open to entry.

R. S., §§ 2257-2268, 2289-2317, 2464-2668.

1891, March 3, ch. 561, §§ 1, 4, *post*, p. 940.

In case of cancellation of entry, contestant to be notified.

Settlers on public lands allowed

CHAP. 89.—An act for the relief of settlers on public lands.

Be it enacted, &c., That when a pre-emption, homestead, or timber culture claimant shall file a written relinquishment of his claim in the local land-office, the land covered by such claim shall be held as open to settlement and entry without further action on the part of the Commissioner of the General Land Office.

SEC. 2. In all cases where any person has contested, paid the land-office fees, and procured the cancellation of any pre-emption, homestead, or timber-culture entry, he shall be notified by the register of the land-office of the district in which such land is situated of such cancellation, and shall be allowed thirty days from date of such notice to enter said lands:

Provided, That said register shall be entitled to a fee of one dollar for the giving of such notice, to be paid by the contestant, and not to be reported.

SEC. 3. That any settler who has settled, or who shall hereafter settle, on any of the public lands of the United States, whether sur-

veyed or unsurveyed, with the intention of claiming the same under the homestead laws, shall be allowed the same time to file his homestead application and perfect his original entry in the United States land-office as is now allowed to settlers under the pre-emption laws to put their claims on record, and his right shall relate back to the date of settlement, the same as if he settled under the pre-emption laws. [May 14, 1880.]

time to file homestead applications.
R. S., §§ 2289-2317.

CHAP. 95.—An act to abolish all tolls at the Louisville and Portland Canal.

May 18, 1880.

Be it enacted, &c., (1) That after the first day of July, eighteen hundred and eighty, no tolls shall be charged or collected at the Louisville and Portland Canal, but the Secretary of War shall be authorized to draw his warrant from time to time upon the Secretary of the Treasury to pay the actual expenses of operating and keeping said canal in repair. [May 18, 1880.]

Tolls not to be charged on Louisville and Portland Canal.
Expenses, how paid.
1882, Aug. 2, ch. 375, *post*, p. 369.
16 Opins., 557.

NOTE.—(1) R. S. § 5255 provides for the assumption of control of this canal by the United States at a reduced rate of tolls. By act of 1874, May 11, ch. 165 (18 Stat. L., 45), provision was made for payment of the bonds of the Canal Company, for a reduction of tolls, and for management by the Secretary of War. By 1884, July 5, ch. 229, § 7 (23 Stat. L., 148), authority is given to the Secretary of War to make, post, and enforce regulations for the use of the canal. By 1886, May 1, ch. 70 (24 Stat. L., 17), partition was allowed of certain adjoining land. By 1888, Sept. 30, ch. 1041 (25 Stat. L., 497), the before-mentioned act of 1884, ch. 229, § 7, was re-enacted. By 1890, Sept. 30, ch. 1130 (26 Stat. L., 554), the use of a part of the property by private parties was permitted, and conditions fixed for its termination. While this act is local, it is included herein because it modifies a section of the Revised Statutes.

CHAP. 100.—An act to create an additional land district in the State of Kansas.

May 24, 1880.

Be it enacted, &c., That all that portion of the northwestern land district in the State of Kansas, lying and being situated west of the third guide meridian west of the sixth principal meridian, be, and hereby is, constituted a new land district, to be called the northern land district.

SEC. 2. That the President, by and with the advice and consent of the Senate, is hereby authorized to appoint a register and a receiver for said district, who shall discharge like and similar duties, and receive the same amount of compensation allowed to other officers discharging like duties in the other land-offices of said State. [May 24, 1880.]

21 Stat. L., 141.
Northern land district in Kansas.
R. S., § 2256, 2d ed., p. 409.
1874, June 20, ch. 340, *ante*, p. 25.
1881, March 3, ch. 146, *post*, p. 326.
— register and receiver for.
R. S., §§ 2284-2247.

CHAP. 106.—An act to construe and define "An act to cede to the State of Ohio the unsold lands in the Virginia military district in said State," approved February eighteenth, eighteen hundred and seventy-one, and for other purposes.

May 27, 1880.

Be it enacted &c., That the act ceding to the State of Ohio the lands remaining "unsurveyed and unsold" in the Virginia military district, in the State of Ohio, had no reference to lands which were included in any survey or entry within said district founded upon military warrant or warrants upon Continental establishment; and the true intent and meaning of said act was to cede to the State of Ohio only such lands as were unappropriated, and not included in any survey or entry within said district, which survey or entry was founded upon military warrant or warrants upon Continental establishment.

SEC. 2. That all legal surveys returned to the land office on or before March third, eighteen hundred and fifty-seven, on entries made on or before January first, eighteen hundred and fifty-two, and founded on unsatisfied Virginia military Continental warrants, are hereby declared valid.

21 Stat. L., 142.
Act ceding to Ohio certain lands in Virginia district defined.
1871, ch. 56 (16 Stat. L., 416).
1882, Aug. 7, ch. 444, *post*, p. 384.
113 U. S., 562.
123 U. S., 117.

Surveys returned to land office by March 3, 1857, declared valid.

Officers and soldiers of Virginia line to have three years to perfect land title.

SEC. 3. That the officers and soldiers of the Virginia line on Continental establishment, their heirs or assigns, entitled to bounty-lands, which have, on or before January first, eighteen hundred and fifty-two, been entered within the tract reserved by Virginia, between the Little Miami and Sciota Rivers, for satisfying the legal bounties to her officers and soldiers upon Continental establishment, shall be allowed three years from and after the passage of this act to make and return their surveys for record to the office of the principal surveyor of said district, and may file their plats and certificates, warrants, or certified copies of warrants, at the General Land Office, and receive patents for the same.

Grant to Ohio Agricultural, &c., College not interfered with.

1871, ch. 56 (16 Stat. L., 416).

SEC. 4. This act shall not in any way affect or interfere with the title to any lands sold for a valuable consideration by the Ohio Agricultural and Mechanical College, grantee, under the act of February eighteenth, eighteen hundred and seventy-one. [May 27, 1880.]

May 27, 1880.

21 Stat. L., 143.

CHAP. 105.—An act to amend and re-enact sections twenty-five hundred and fifty-two and twenty-five hundred and fifty-three of the Revised Statutes.

Be it enacted, &c. [Section 1 superseded by substitute, 1888, Oct. 12, ch. 1093, post, p. 630.]

Richmond, Va., a port of entry; what to include.

R. S., § 2552, par 7.

SEC. 2. And that paragraph seventh of section twenty-five hundred and fifty-two of the Revised Statutes be, and the same is hereby, amended so that it shall read :

“The district of Richmond: To comprise all the waters and shores of the James River, from its junction with the Appomattox River to the highest tide-waters of the James River, and all the waters and shores of the York River from Cappahoosic to its head, and the waters and shores of the Pamunkey and Mattaponi Rivers, to the highest tide-waters in said rivers, in which the port of entry shall extend from Richmond and Manchester to Bermuda Hundreds, and to West Point, at the head of York River.”

— collector, deputy collector, and surveyors for.

R. S., § 2553, par. 7.

SEC. 3. And that paragraph seventh of section twenty-five hundred and fifty-three of the Revised Statutes be, and the same is hereby, amended, so that it shall read:

“In the district of Richmond, a collector and a surveyor, who shall reside at Richmond; a surveyor, who shall reside at Bermuda Hundred; and a deputy-collector, who shall reside at West Point.” [May 27, 1880.]

May 28, 1880.

21 Stat. L., 145.

Distiller's bond; penal sum, how fixed and limited.

R. S., § 3260.

CHAP. 106.—An act to amend the laws in relation to internal revenue.

Be it enacted, &c., That section thirty-two hundred and sixty of the Revised Statutes of the United States be amended by striking out the word “double”, in the fourteenth line of said section, and inserting after the word “days”, in the fifteenth line of said section, the following: “But in no case shall the bond exceed the sum of one hundred thousand dollars”.

— may be given in lieu of consent of owner of fee, notwithstanding increase of distillery.

R. S., § 3262.

16 Opins., 10.

SEC. 2. That section thirty-two hundred and sixty-two of the Revised Statutes of the United States be amended by adding to the end the words following:

And provided also, That the collector may at any time, at the discretion of the Commissioner, accept such bond as is authorized to be given by the distiller in lieu of the written consent of the owner of the fee in the case of a distillery erected prior to July twentieth, eighteen hundred and sixty-eight, notwithstanding such distillery has since then been increased by the addition of land or buildings adjacent or contiguous thereto, not owned by the distiller himself in fee; such bond to be for and in respect of such addition only, if

the distillery be one which the distiller owns in fee or in respect to which he has procured the written consent of the owner of the fee or other incumbrance, otherwise to be for and in respect of the entire distillery as increased by such addition."

SEC. 3. That section thirty-two hundred and eighty-five of the Revised Statutes of the United States be amended by striking out all after said number and substituting therefor the following:

Emptying and filling tubs. Substitute for R. S., § 3285.

"Ev[er]y fermenting-tub shall be emptied at or before the end of the fermenting period; no fermenting-tub in a sweet-mash distillery shall be filled oftener than once in seventy-two hours, nor in a sour-mash distillery oftener than once in ninety-six hours, nor in a rum distillery oftener than once in one hundred and forty-four hours."

SEC. 4. That the joint resolution approved March twenty-eighth, eighteen hundred and seventy-eight, be and the same hereby is, repealed; and that section thirty-two hundred and ninety-three of the Revised Statutes of the United States, as amended by an act entitled "An act to amend the laws relating to internal revenue", approved March first, eighteen hundred and seventy-nine, be amended by striking out all after the said number, and substituting therefor the following:

Substitute for R. S., § 3293, as amended by; 1879, March 1, ch. 125, § 5 (20 Stat. L., 336).

Repeal of 1878, March 28, Res. No. 16 (20 Stat. L., 249).

"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 warehouse, 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, &c., of spirits removed to distillery warehouse.

"ENTRY FOR DEPOSIT IN DISTILLERY WAREHOUSE.

"Entry of distilled spirits deposited by _____, in distillery warehouse _____, in the _____ district, State of _____, during the month ending on the _____ day of _____, anno Domini _____.

And the entry shall specify the kind of spirits, the whole number of packages, the marks and serial numbers thereon, the number of gauge or wine gallons, proof-gallons, and taxable gallons, and the amount of 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.

—what to specify.

The said distiller or owner shall at the time of making said entry give his bond in duplicate, with one or more sureties, satisfactory to the collector of the district, conditioned that the principal 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 distillery warehouse, and within three years from the date of said entry; and the penal sum of such bond shall not be less than the amount of the tax on such distilled spirits.

—bond required. 99 U. S., 221. 8 Bissell, 164. 16 Opins., 10.

One of said entries shall be retained in the office of the collector of the district, one sent to the storekeeper 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.

Disposition of entries.

"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 affecting its validity or impairing its efficiency, at the discretion of the Commissioner of Internal Revenue.

New bond may be required in case of death, insolvency, &c.

And in case the distiller or owner fails or refuses to give the bond hereinbefore required, or to renew the same, or neglects to immediately withdraw the spirits and pay the tax thereon, or if he neglects to withdraw any bonded spirits and pay the tax thereon before the expiration of the time limited in the bond, the collector shall proceed

Failure to give bond or to withdraw spirits, &c. 18 Opins., 246, 379.

to collect the tax by distraint, issuing his warrant of distraint for the amount of tax found to be due, as ascertained by him from the report of the gauger if no bond was given, or from the terms of the bond if a bond was given. But this provision shall not exclude any other remedy or proceeding provided by law.

Excessive loss of spirits in warehouse; tax to be collected and spirits withdrawn.

“If it shall appear at any time that there has been a loss of distilled spirits from any cask or other package hereafter deposited in a distillery warehouse, other than the loss provided for in section thirty-two hundred and twenty-one of the Revised Statutes of the United States, as amended, which, in the opinion of the Commissioner of Internal Revenue, is excessive, he may instruct the collector of the district in which the loss has occurred to require the withdrawal from warehouse of such distilled spirits, and to collect the tax accrued upon the original quantity of distilled spirits entered into the warehouse in such cask or package, notwithstanding that the time specified in any bond given for the withdrawal of the spirits entered into warehouse in such cask or package has not expired.

If the said tax is not paid on demand, the collector shall report the amount due upon his next monthly list, and it shall be assessed and collected as other taxes are assessed and collected.

Tax on spirits in distilleries to be paid within three years of entry.

“That the tax on all distilled spirits hereafter entered for deposit in distillery warehouses shall be due and payable before and at the time the same are withdrawn therefrom and within three years from the date of the entry for deposit therein;

Condition of warehousing bonds.

And warehousing bonds hereafter taken under the provisions of section thirty-two hundred and ninety-three of the Revised Statutes of the United States shall be conditioned for the payment of the tax on the spirits as specified in the entry before removal from the distillery warehouse, and within three years from the date of said bonds.”

Entry for withdrawal of spirits to specify number of packages and other facts.

SEC. 5. That section thirty-two hundred and ninety-four of the Revised Statutes of the United States, as amended by an act entitled “An act to amend the laws relating to internal revenue”, approved March first, eighteen hundred and seventy-nine, be amended by inserting after the word “casks,” in the tenth line thereof, the words “or packages,” and by inserting after the word “them,” in the thirteenth line thereof, the words “at the time they were deposited in the distillery warehouse; and said entry shall also specify the number of gauge or wine gallons, and of proof-gallons and taxable gallons contained in said casks or packages at the time application shall be made for the withdrawal thereof”.

R. S., § 3294.
1879, March 1, ch. 125, § 5, ante, p. 232.
20 Fed. Rep. 311.

SEC. 6. That section thirty-two hundred and eighty-seven of the Revised Statutes of the United States as amended by an act entitled “An act to amend the laws relating to internal revenue”, approved March first, eighteen hundred and seventy-nine, be amended by striking out all after said number, and substituting therefor the following:

Substitute for R. S., § 3287.
1879, March 1, ch. 125, § 5, (20 Stat. L., 336).

“All distilled spirits shall be drawn from the receiving cisterns into casks or packages, each of not less capacity than ten gallons wine-measure, and shall thereupon be gauged, proved, and marked by an internal-revenue gauger, who shall cut on the cask or package 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 or packages, and the particular name of such distilled spirits as known to the trade, that is to say, high-wines, alcohol, or spirits, as the case may be, shall be marked or branded on the head of such cask or package in letters of not less than one inch in length;

Drawing off, gauging, marking, and removal of spirits to distillery warehouse.

And the spirits shall be immediately removed into the distillery warehouse, and the gauger shall, in the presence of the storekeeper of the warehouse, place upon the head of the cask or package an engraved stamp, which shall be signed by the collector of the district

and the storekeeper 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 or package, in progressive order, as the same are received from the distillery.

Such serial number for ev[e]ry distillery shall be in regular sequence of the serial number thereof, beginning with number one (No. 1) with the first cask or package deposited therein after July twentieth, eighteen hundred and sixty-eight, and no two or more casks or packages warehoused at the same distillery shall be marked with the same number.

The said stamp shall be as follows:

“Distillery-warehouse stamp No. —. Issued by ———, collector, ——— district, State of ———, distillery warehouse of ———, 18—, Cask No. —; contents ——— gallons proof-spirits

“—————,
United States Storekeeper

“Attest:

—————,
United States Gauger.”

SEC. 7. That section thirty-three hundred and ten of the Revised Statutes of the United States be amended by striking out the words “ev[e]ry distiller at the hour of twelve meridian on the third day after that on which his bond is approved,” occurring on the first and second lines thereof, and by inserting in lieu thereof the words:

“The first fermenting period of ev[e]ry distiller shall be taken to begin on the day the distiller’s bond is approved; and ev[e]ry distiller at the hour of twelve meridian on the last day of such first fermenting period, or at the same hour on any previous day of such fermenting period on which spirits are distilled.”

SEC. 8. That section six of an act entitled “An act to amend the laws relating to internal revenue”, approved March first, eighteen hundred and seventy-nine, be amended by inserting after the word “premises”, on the twenty-first line thereof, the following:

And the Commissioner of Internal Revenue 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 distiller of any spirits in process of manufacture or distillation, or before removal to the distillery warehouse, shall not assess the distiller for a deficiency in not producing eighty per centum of the producing capacity of his distillery as established by law when the deficiency is occasioned by such destruction, nor shall he, in such case, assess the tax on the spirits so destroyed.

SEC. 9. [*Repeal of, 1879, March 1, ch. 125, § 7, 20 Stat. L., 341.*]

SEC. 10. That section thirty-three hundred and twenty-nine of the Revised Statutes of the United States be amended by striking out after the word “exported,” in the fifty-sixth line, the words “at the rate of seventy cents per proof gallon,” and inserting in lieu thereof the word “ninety”; (1) and striking out the words “in quantities of not less than one thousand gallons,” in the third line thereof; and by inserting the word “packages”, after the word “casks”, in the fifth line thereof.

SEC. 11. That section thirty-three hundred and thirty of the Revised Statutes of the United States be amended by striking out the words “in quantities of not less than one thousand gallons,” in the third line, and inserting in lieu thereof the words “or packages”.

SECS. 12, 13. [*These sections (21 Stat. L., 148) repeal certain parts of 1879, March 1, ch. 125, §§ 12, 13, ante, pp. 236, 237 (20 Stat. L., 342, 343). The repealed portions being omitted from this volume (see notes on those pages), the repealing provisions are here omitted.*]

NOTE.—(1) The word “ninety,” inserted by this amendment, seems to be without force. The whole amendment appears to allow a drawback on spirits exported to the extent of the whole tax paid, with the exception, perhaps, of the limit of sixty cents per gallon for spirits distilled prior to August, 1872, as specified in the proviso to § 3529 of Revised Statutes.

Serial number.

Form of stamp.

Fermenting period; when deemed to commence.
R. S., § 3310.

Deficiency of spirits not to be assessed in case of loss by casualty, &c.

R. S., § 3309.
1879, March 1, ch. 125, § 6, *ante*, p. 235.

Spirits exported in casks or packages of any size entitled to drawback.

R. S., § 3329.
1874, June 9, ch. 259, *ante*, p. 12.
1890, June 18, ch. 432, *post*, p. 759.

Spirits withdrawn from warehouse in any size packages.

R. S., § 3330.
1874, June 9, ch. 259, § 2, *ante*, p. 13.

Distilled spirits for manufacture of preparations for export may be withdrawn from distillery warehouse without tax.

R. S., § 3433.

Substitute for
1879, March 1,
ch. 125, § 20 (20
Stat. L., 351).

1890, Oct. 1, ch.
1244, § 10, pp. 858,
859.

Allowance for leakage and loss during transportation from distillery warehouse to manufacturing warehouse.

1879, Dec. 20,
ch. 1, *ante*, p. 275.
§ 17, below.

Collectors to account for tax-paid stamps, make returns, &c.

Substitute for

R. S., § 3314.

118 U. S., 81.

21 C. Cls., 128.

Collectors; how charged with other stamps; reports and books.

Export stamps; how charged and amount due collected.

R. S., § 3330.

1874, June 9, ch.
259, § 2, *ante*, p. 13.

Spirits withdrawn from dis-

SEC. 14. That section twenty of an act entitled "An act to amend the laws relating to internal revenue", approved March first, eighteen hundred and seventy-nine, be amended by striking out all after the number of said section and substituting therefor the following:

That under such regulations and requirements as to stamps, bonds, and other security as shall be prescribed by the Commissioner of Internal Revenue, any manufacturer of medicines, preparations, compositions, perfumeries, cosmetics, cordials, and other liquors, for export, manufacturing the same in a duly constituted manufacturing warehouse, shall be authorized to withdraw, in original packages, from any distillery warehouse, so much distilled spirits as he may require for the said purpose, without the payment of the internal-revenue tax thereon."

SEC. 15. That where spirits are withdrawn from distillery warehouses for transfer to manufacturing warehouses, under the provisions of this act, it shall be lawful, under such rules and regulations and limitations as shall be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, for an allowance to be made for leakage or loss by any unavoidable accident, and without any fraud or negligence of the distiller, owner, exporter, carrier, or their agents or employees, occurring during transportation from a distillery warehouse to a manufacturing warehouse.

SEC. 16. That section (1) thirty-three hundred and fourteen be amended by striking out all after the said number, and substituting the following:

"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 ev[er]y 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; 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 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":

Provided, That all export stamps issued to collectors shall be charged to them as representing the value of ten cents for each stamp, and they shall collect the amount due for such stamps at the rate of ten cents for each stamp issued in such manner and at such time as the Commissioner of Internal Revenue may prescribe, and the Commissioner may, in his discretion, make assessment therefor.

SEC. 17. Whenever the owner of any distilled spirits shall desire to withdraw the same from the distillery warehouse, or from a special

NOTE.—(1) A former substitute for R. S., 3314, contained in 1879, March 1, ch. 125, § 5 (20 Stat. L., 336; see also, *ante*, p. 233), is superseded by this substitute.

bonded warehouse, he may file with the collector a notice giving a description of the packages to be withdrawn, and request that the distilled spirits be regauged; and thereupon the collector shall direct the gauger to regauge the same, and mark upon each package so regauged the number of gauge or wine gallons and proof-gallons therein contained.

tillery or bonded warehouse may be regauged.

If upon such regauging it shall appear that there has been a loss of distilled spirits from any cask or package, without the fault or negligence of the distiller or owner thereof, taxes shall be collected only on the quantity of distilled spirits contained in such cask or package at the time of the withdrawal thereof from the distillery warehouse, or special bonded warehouse:

Allowance for leakage.
1879, Dec. 20, ch. 1, ante, p. 275.
§ 15, ante, p. 288.

Provided, however, That the allowance which shall be made for such loss of spirits as aforesaid shall not exceed one proof-gallon for two months, or part thereof, one and one-half gallons for three and four months, two gallons for five and six months, two and one-half gallons for seven and eight months, three gallons for nine and ten months, three and one-half gallons for eleven and twelve months, four gallons for thirteen, fourteen, and fifteen months, four and one-half gallons for sixteen, seventeen, and eighteen months, five gallons for nineteen, twenty, and twenty-one months, five and one-half gallons for twenty-two, twenty-three, and twenty-four months, six gallons for twenty-five, twenty-six, and twenty-seven months, six and one-half gallons for twenty-eight, twenty-nine, and thirty months, seven gallons for thirty-one, thirty-two, and thirty-three months, and seven and one-half gallons for thirty-four, thirty-five, and thirty-six months:

— to what extent made.

Provided, also, That the foregoing allowance of loss shall apply only to casks or packages of a capacity of forty or more wine-gallons, and that the allowance for loss on casks or packages of less capacity than forty gallons shall not exceed one-half the amount allowed on said forty-gallon cask or package;

But no allowance shall be made on casks or packages of less capacity than twenty gallons:

And provided further, That the proof of such distilled spirits shall not in any case be computed at the time of withdrawal at less than one hundred per cent.

Computation of proof of spirits.

SEC. 18. That subsection second of section thirty-two hundred and forty-four shall not apply to distillers in registered distilleries who manufacture for their own use wooden stills, but each of said distillers shall give notice to the collector of the district in which his distillery is located of each still manufactured before the same is used.

Manufacture of wooden stills by registered distillers for their own use not subject to special tax.

par. 2. 1879, March 1, ch. 125, §

R. S., § 3244, 10, ante, p. 236.
Repeal.

SEC. 19. That all acts and parts of acts inconsistent herewith are hereby repealed. [May 28, 1880.]

CHAP. 113.—An act making appropriations for a deficiency in the appropriations for the payment of pensions for the fiscal year ending June thirtieth, eighteen hundred and eighty, and for other purposes.

May 31, 1880.

21 Stat. L., 150.

Be it enacted, &c. * * And the Secretary of the Navy is hereby authorized to place the vessels of the United States Fish Commission on the same footing with the Navy Department as those of the United States Coast and Geodetic Survey. * * [May 31, 1880.]

Fish Commission vessels to be on same footing as Coast Survey.

4398, 4681-4688. 1890, Aug. 30, ch. 337, par.

R. S., §§ 4395-2, post, p. 791.

June 1, 1880.

21 Stat. L., 153.

Professor of law,
Military Academy—
who may be.

R. S., § § 1309–1313. 1882, June 30, ch. 255, par. 1, *post*, p. 349.

CHAP. 115.—An act making appropriations for the support of the Military Academy for the fiscal year ending June thirtieth, eighteen hundred and eighty-one, and for other purposes.

Be it enacted, &c. * * For department of law: * * *Provided*, That the Secretary of War may, in his discretion, assign any officer of the Army as professor of law. * * [June 1, 1880.]

June 4, 1880.

21 Stat. L., 155.

Circuit court for
Iowa; when and
where to be held.

R. S., §§ 572, 658.

1874, Feb. 9, ch.

24, *ante*, p. 3.

1882, July 20,

ch. 312, § 7, 8,

post, p. 359. 1888,

April 19, ch. 127,

post, p. 584. 1891,

Feb. 24, ch. 282,

post, p. 895.

Clerk.

R. S., § 560.

CHAP. 120.—An act providing the times and places of holding the circuit court of the United States in the district of Iowa, and for other purposes. (1)

Be it enacted, &c., That the circuit court of the United States in and for the district of Iowa shall hereafter be held at the times and places provided by law for holding the United States district court in and for said district.

Causes removed from any court of the State of Iowa into said circuit court within said district shall be removed to the circuit court in the division in which such State court is held, unless the parties thereto shall otherwise agree, or the court, for good cause, shall otherwise order.

SECS. 2, 3. [*Superseded* 1882, July 20, ch. 312, *post*, p. 358.]

SEC. 4. That the clerk of the district court shall be the clerk of the circuit court at all the places where the same is held in said district except at Des Moines.

SEC. 5. That all acts and parts of acts inconsistent with this act are hereby repealed. [June 4, 1880.]

NOTE.—(1) See note on courts in Iowa, 1882, July 20, ch. 312, *post*, p. 358.

June 4, 1880.

21 Stat. L., 155.

Superintendent
of Government
Hospital for In-
sane to report to
Congress.

R. S., §§ 4838,
4839.

One of Commis-
sioners of District
to be trustee of
Reform School.

1876, May 3, ch.

90, § 1, *ante*, p. 101.

— of Columbia
Hospital and Ly-
ing-in Asylum.

1872, June 10,
ch. 415 (17 Stat. L.,
360).

Commissioners
to submit annual
estimates by Oct.
1. 1878, June 11,
ch. 180, § 2, and
note, *ante*, p. 174.

CHAP. 121.—An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June thirtieth, eighteen hundred and eighty-one, and for other purposes.

Be it enacted, &c. * * [Par. 1.] And hereafter the Superintendent of the Government Hospital for the Insane shall make a report to Congress annually at the beginning of each regular session, which shall show in detail the receipts and expenditures for all purposes connected with the hospital for the fiscal year preceding such session. * *

[Par. 2.] For Reform School: * * That one of the Commissioners of the District of Columbia, to be selected by the Board of Commissioners, shall be a trustee, with all the powers, privileges, and duties of other trustees of said Reform School. * *

[Par. 3.] Columbia Hospital for Women and Lying-in Asylum, * * That one of the Commissioners of the District of Columbia, to be selected by the Board of Commissioners, shall be a trustee of said Hospital and Lying-in Asylum, with all the powers, privileges, and duties of other trustees of the same. * *

SEC. 2. [*Superseded*, 1882, July 1, Ch. 263, § 3, *post*, p. 351.]

* * That they shall submit their annual estimates to the Secretary of the Treasury by the first day of October of each year. [June 4, 1880.]

June 8, 1880.

21 Stat. L., 164.

Judge-Advocate-
General of Navy
to be appointed.

R. S., § 416.

CHAP. 129.—An act to authorize the President to appoint an officer of the Navy or the Marine Corps to perform the duties of solicitor and judge-advocate-general, and so forth, and to fix the rank and pay of such officer.

Be it enacted, &c., That the President of the United States be, and he is hereby, authorized to appoint, for the term of four years, by and with the advice and consent of the Senate, from the officers of

the Navy or the Marine Corps, a judge-advocate-general of the Navy, with the rank, pay, and allowances of a captain in the Navy or a colonel in the Marine Corps, as the case may be.

And the office of the said judge-advocate-general shall be in the Navy Department, where he shall, under the direction of the Secretary of the Navy, receive, revise, and have recorded the proceedings of all courts-martial, courts of inquiry, and boards for the examination of officers for retirement and promotion in the naval service, and perform such other duties as have heretofore been performed by the solicitor and naval judge-advocate-general. [June 8, 1880.]

Office of, to be in Department; his duties, &c.

R. S., § 349.

1878, June 19, ch.

329, par. 8, *ante*, p. 201.

CHAP. 136.—An act to provide for issuing patents for public lands claimed under the pre-emption and homestead laws in cases where the claimants have become insane.

June 8, 1880.

21 Stat. L., 166.

Be it enacted, &c., That in all cases in which parties who regularly initiated claims to public lands as settlers thereon according to the provisions of the (1) pre-emption or homestead laws, have become insane or shall hereafter become insane before the expiration of the time during which their residence, cultivation, or improvement of the land claimed by them is required by law to be continued in order to entitle them to make the proper proof and perfect their claims, it shall be lawful for the required proof and payment to be made for their benefit by any person who may be legally authorized to act for them during their disability, and thereupon their claims shall be confirmed and patented, provided it shall be shown by proof satisfactory to the Commissioner of the General Land Office that the parties complied in good faith with the legal requirements up to the time of their becoming insane, and the requirement in homestead entries of an affidavit of allegiance by the applicant in certain cases as a prerequisite to the issuing of the patents shall be dispensed with so far as regards such insane parties. [June 8, 1880.]

Homestead and pre-emption settlers becoming insane; how claims perfected, &c.

R. S., §§ 2257-2269, 2289-2309.

1891, March 3, ch. 561, § 4, *post*, p. 940.

NOTE.—(1) Pre-emption laws repealed by 1891, March 3, ch. 561, § 4, *post*, p. 942.

CHAP. 137.—An act to further amend the act entitled "An act to reorganize the courts of the District of Columbia, and for other purposes", approved March third, eighteen hundred and sixty-three, and to amend section eight hundred and sixty-one of chapter twenty-four of the Revised Statutes of the District of Columbia.

June 8, 1880.

21 Stat. L., 166.

Be it enacted, &c., That any justice of the supreme court of the District of Columbia holding a term of the circuit court for said District (whenever the condition of the business in such circuit court and in the criminal court, in the opinion of the general term of said supreme court, may render it proper and expedient so to do), may hold sittings for the trial of such criminal cases depending in the criminal court as the justice presiding therein may assign for that purpose, and may employ the petit juries drawn for such circuit court for such trials; and such sittings may be held during the regular sessions of the criminal court, or, in the recess thereof, during the term of such circuit court; and the business done at such sittings shall be recorded in the minutes of the criminal court.

In Dist. of Col., a judge holding circuit court may hold court for criminal cases.

R. S. of D. C., §§ 753-759.

1874, June 23,

ch. 454, *ante*, p. 41.

1879, July 25, ch.

99, § 3, and note,

ante, p. 220. 1889,

March 1, ch. 308,

§§ 1, 2, *post*, p. 651.

SEC. 2. That section eight hundred and sixty-one of chapter twenty-four of the Revised Statutes of the District of Columbia be, and the same is hereby, amended so as to read as follows:

—challenge of jurors who have served within a year.

"SEC. 861. It shall be good cause of principal challenge to any person called to serve as a talesman on a petit jury at any term of the criminal or circuit courts of the District of Columbia, that he has served as such juror in the trial of a cause in either of said courts at any time within one year next before his being so called and challenged.

Substitute for R. S. of D. C., § 861.

1889, March 1, ch.

308, §§ 3-9, *post*,

p. 651.

In Dist. of Col., when persons drawn as jurors do not serve, their names to be returned to jury-box.

R. S. of D. C., § 863.

Repeal.

And whenever a paper, on which is written the name of any person, shall be drawn from the jury-box, and such person by reason of being challenged, or for any other reason, shall not serve as a juror at the term for or at which he shall have been so drawn, the clerk of the supreme court of the District of Columbia (unless otherwise ordered by the justice presiding in the court for which such name was drawn) shall replace the said paper in the jury-box, folded or rolled up in the manner prescribed by section eight hundred and fifty-three of said chapter, subject to be drawn again from said jury-box with the other papers therein."

SEC. 3. All laws and parts of laws inconsistent herewith are herewith repealed. [June 8, 1880.]

June 9, 1880.

21 Stat. L., 169.

CHAP. 164.—An act to amend sections twenty-two hundred and sixty-two and twenty-three hundred and one of the Revised Statutes of the United States, in relation to the settler's affidavit in pre-emption and commuted homestead entries.

Pre-emption and homestead claimants' oath; before whom may be taken, &c.

R. S., §§ 2262, 2291, 2301.

1877, March 3, ch. 122, ante, p. 148.

1890, May 26, ch. 355, post, p. 743.

1891, March 3, ch. 561, § 4, post, p. 940.

Be it enacted, &c., That the (1) affidavit required to be made by sections twenty-two hundred and sixty-two and twenty-three hundred and one of the Revised Statutes of the United States, may be made before the clerk of the county court or of any court of record, of the county and State or district and Territory in which the lands are situated; and if said lands are situated in any unorganized county, such affidavit may be made in a similar manner in any adjacent county in said State or Territory, and the affidavit so made and duly subscribed shall have the same force and effect as if made before the register or receiver of the proper land district; and the same shall be transmitted by such clerk of the court to the register and receiver with the fee and charges allowed by law. [June 9, 1880.]

NOTE.—(1) R. S., § 2262, prescribes the oath to be taken by a claimant for land under the pre-emption laws. These have been repealed by 1891, March 3, ch. 561, § 4, post, p. 942. R. S., § 2301, here mentioned, has no reference to any affidavit. It is supposed that R. S., § 2290 or 2291, is the section intended. These prescribe the oaths for a homestead applicant, but a substitute for the former is enacted by 1891, March 3, ch. 561, § 5, post, p. 940.

June 9, 1880.

21 Stat. L., 170.

Pensions allowed prior to July 25, 1866, not to be reduced by subsequent acts.

R. S., § 4712.

1866, ch. 235, § 3 (14 Stat. L., 230); 1868, ch. 264, § 13 (15 Stat. L., 237).

—to be restored if already reduced.

CHAP. 166.—An act to restore pensions in certain cases.

Be it enacted, &c., That section three of an act entitled "An act increasing the pensions of widows and orphans, and for other purposes," approved July twenty-fifth, eighteen hundred and sixty-six, and section thirteen of an act entitled "An act relating to pensions," approved July twenty-seventh, eighteen hundred and sixty-eight, and section forty-seven hundred and twelve of the Revised Statutes, shall not operate to reduce the rate of any pension which had actually been allowed to the commissioned, non-commissioned, or petty officers of the Navy or their widows or minor children, prior to the twenty-fifth day of July, eighteen hundred and sixty-six;

And the Secretary of the Interior is hereby directed to restore all such pensions as have already been so reduced to the rate originally granted and allowed, to take effect from the date of such reduction. [June 9, 1880.]

June 10, 1880.

21 Stat. L., 173.

Pay of night inspectors of customs.

CHAP. 189.—An act to regulate the compensation of night inspectors of customs.

Be it enacted, &c., That hereafter the compensation to inspectors of customs employed under existing law for service at night may be increased by the Secretary of the Treasury at such ports as he

may think it advisable so to do to a sum not exceeding three dollars for each night's service.

SEC. 2. That all acts or parts of acts being inconsistent with the above act are hereby repealed. [June 10, 1880.]

R. S., §§ 2733, 2737.

1881, March 3, ch. 132, § 2, *post*, p. 321.

Repealed.

CHAP. 190.—An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes.

June 10, 1880.

21 Stat. L., 173.

Be it enacted, &c., That when any merchandise, other than explosive articles, and articles in bulk not provided for in section four (1) of this act, imported at the ports of New York, Philadelphia, Boston, Baltimore, Portland and Bath, in Maine, Chicago, Port Huron, Detroit, New Orleans, Norfolk, Charleston Savannah, Mobile, Galveston, Pensacola, Florida, Cleveland, Toledo, and San Francisco, shall appear by the invoice or bill of lading and manifest of the importing vessel to be consigned to and destined for either of the ports specified in the seventh section of this act, the collector at the port of arrival shall allow the said merchandise to be shipped immediately after the entry prescribed in section two of this act has been made.

Ports of arrival at which customs entries may be made for transportation in bond to inland ports.

SEC. 2. That the collector at the port of first arrival shall retain in his office a permanent record of such merchandise so to be forwarded to the port of destination, and such record shall consist of a copy of the invoice and an entry whereon the duties shall be estimated as closely as possible on the merchandise so shipped, but no oaths shall be required on the said entry.

Record of merchandise so entered to be kept by collector.

Such merchandise shall not be subject to appraisement and liquidation of duties at the port of first arrival, but shall undergo such examination as the Secretary of the Treasury shall deem necessary to verify the invoice; and the same examination and appraisement thereof shall be required and had at the port of destination as would have been required at the port of first arrival if such merchandise had been entered for consumption or warehouse at such port.

Merchandise to be examined at port of arrival, and appraised at port of destination.

SEC. 3. That such merchandise shall be delivered to and transported by common carriers, to be designated for this purpose by the Secretary of the Treasury, and to and by none others; and such carriers shall be responsible to the United States as common carriers for the safe delivery of such merchandise to the collector at the port of its destination;

— to be transported by designated common carriers only.

And before any such carriers shall be permitted 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.

Bond of carriers.

SEC. 4. That sections twenty-eight hundred and fifty-three and twenty-eight hundred and fifty-five of the Revised Statutes of the United States be, and the same are hereby, so amended as to require that all invoices of merchandise imported from any foreign country and intended to be transported without appraisement to any of the ports mentioned in the seventh section of this act, shall be made in quadruplicate;

Quadruplicate invoices of merchandise intended for transportation in bond inland; how disposed of.

R. S., §§ 2853, 2855.

And that the consul, vice-consul, or commercial agent, to whom the same shall be produced, shall certify each of said quadruplicates under his hand and official seal in the manner required by section

NOTE.—(1) Four is changed to five by act of June 14, 1880, ch. 214, *post*, p. 297. By 1884, June 26, ch. 131, § 20, *post*, p. 446, vessels laden with certain bulky articles may proceed to places within the collection district to unload, under suitable regulations. Privileges limited to merchandise liable to specific duties by 1887, Feb. 23, ch. 218, *post*, p. 541.

Privileges of this section extended to other ports by the following acts: Newport News, Va., 1884, June 30, ch. 103, *post*, p. 439; Portland, Oregon, and Port Townsend, Wash., 1886, May 1, ch. 69, *post*, p. 469; Key West, Fla., 1886, May 1, Res. No. 12, *post*, p. 516; Tampa, Fla., 1890, April 3, ch. 63, *post*, p. 711; San Diego and Wilmington, Cal., 1890, April 26, ch. 159, *post*, p. 716; Sioux City, Iowa, 1890, Sept. 25, ch. 908, *post*, p. 805. As to Tacoma and Seattle, Wash., see note (2) to 1890, Aug. 28, ch. 814, *post*, p. 790.

twenty-eight hundred and fifty-five of the Revised Statutes, and shall then deliver to the person producing the same two of the quadruplicates, one to be used in making entry at the port of first arrival of the merchandise in the United States, and one to be used in making entry at the port of destination, file another in his office, there to be carefully preserved and as soon as practicable transmit the remaining one to the collector or surveyor of the port of final destination of the merchandise:

—no additional fee for.

Provided, however, That no additional fee shall be collected on account of any service performed under the requirements of this section.

SEC. 5. [*Substitute enacted for this by 1884, July 2, ch. 142, (23 Stat. L., 63), and superseded by a later substitute, 1887, Feb. 23, ch. 215, post, p. 540.*]

SEC. 6. [*Superseded by substitute, 1884, July 2, ch. 142, post, p. 447.*]

Ports to which merchandise may be so transported in bond.

SEC. 7. (1) That the privilege of immediate transportation shall extend to the ports of New York and Buffalo, in New York; Burlington, in Vermont; Boston, in Massachusetts; Providence and Newport in Rhode Island; New Haven, Middletown, and Hartford in Connecticut; Philadelphia and Pittsburg, in Pennsylvania; Baltimore, Crisfield and Annapolis, in Maryland; Wilmington, and Seaford, in Delaware; Salem, Massachusetts; Georgetown in the District of Columbia; Norfolk, Richmond and Petersburg, in Virginia; Wilmington and Newberne, in North Carolina; Charleston and Port Royal, in South Carolina; Savannah and Brunswick, in Georgia; New Orleans, in Louisiana; Portland and Bath, in Maine; Portsmouth, in New Hampshire; Chicago, Cairo, Alton, and Quincy, in Illinois; Detroit, Port Huron, and Grand Haven in Michigan; Saint Louis, Kansas City, and Saint Joseph in Missouri; Saint Paul, in Minnesota; Cincinnati, Cleveland, and Toledo, in Ohio; Milwaukee, and La Crosse, in Wisconsin; Louisville, in Kentucky; San Francisco, San Diego and Wilmington in California; Portland, in Oregon; Memphis, Nashville and Knoxville, in Tennessee; Mobile, in Alabama; and Evansville, in Indiana; and Galveston, Houston, Brownsville, Corpus Christi and Indianola, in Texas; Omaha, in Nebraska; Dubuque, Burlington and Keokuk, in Iowa; Leavenworth, in Kansas; Tampa Bay, Fernandina, Jacksonville, Cedar Keys, Key West, and Apalachicola, in Florida:

—if there be the necessary officers there.

Provided, That the privilege of transportation herein conferred shall not extend to any place at which there are not the necessary officers for the appraisement of merchandise and the collection of duties.

Repeal of R. S., §§ 2990-2997.

SEC. 8. That sections twenty-nine hundred and ninety, twenty-nine hundred and ninety-one, twenty-nine hundred and ninety-two, twenty-nine hundred and ninety-three, twenty-nine hundred and ninety-four, twenty-nine hundred and ninety-five, twenty-nine hundred and ninety-six, and twenty-nine hundred and ninety-seven of the Revised Statutes be, and the same are hereby, repealed.

Merchandise not to be so transported when it has been landed ten days, &c.

SEC. 9. That no merchandise shall be shipped under the provisions of this act after such merchandise shall have been landed ten days from the importing vessel, and merchandise not entered within such time shall be sent to a bonded warehouse by the collector as unclaimed, and held until regularly entered and appraised.

NOTE.—(1) The privileges of this section are extended to other ports by the following acts: Atlanta, Ga., 1881, Feb. 28, ch. 92, *post*, p. 318; Indianapolis, Ind., 1881, March 3, ch. 156, *post*, p. 322; Denver, Colo., 1882, Mar. 4, ch. 25, *post*, p. 331; Kansas City and St. Joseph, Mo., 1882, August 3, ch. 377, *post*, p. 371; Newport News, Va., 1884, June 20, ch. 103, *post*, p. 439; Port Townsend, Wash., 1886, May 1, ch. 69, *post*, p. 499; Key West and Tampa, Fla., 1886, May 1, Res. No. 12, *post*, p. 516; Bridgeport, Conn., 1887, Feb. 9, ch. 123, *post*, p. 537; Duluth, Minn., 1886, May 2, ch. 227, *post*, p. 525; Grand Rapids, Mich., 1886, June 4, ch. 341, *post*, p. 528; Sault Ste. Marie, Mich., 1889, Feb. 13, ch. 149, *post*, p. 643; Albany, N. Y., 1890, Feb. 18, ch. 14, *post*, p. 705; Minneapolis, Minn., 1890, April 19, ch. 101, *post*, p. 717; Columbus, Ohio, 1890, Mar. 13, ch. 31, *post*, p. 708; San Antonio, Tex., 1890, Mar. 8, ch. 29, *post*, p. 707; Lincoln, Neb., 1890, Aug. 28, ch. 815, *post*, p. 739, superseding 1893, Oct. 19, ch. 1209 (25 Stat. L., 550); Tacoma and Seattle, Wash., 1890, Aug. 28, ch. 814, *post*, p. 739; Sioux City, Iowa, 1890, Sept. 25, ch. 909, *post*, p. 805; Springfield, Mass., 1890, Sept. 25, ch. 813, *post*, p. 805; Nashville, Tenn., 1891, Feb. 21, ch. 251, *post*, p. 805; Enfield, Conn., 1891, Mar. 3, ch. 525, *post*, p. 903.

SEC. 10. That section twenty-nine hundred and eighty-one of the Revised Statutes be amended so as to read as follows :

That whenever the proper officer of the customs shall be duly notified in writing of the existence of a lien for freight upon imported goods, wares or merchandise in his custody, he shall, before delivering such goods, wares, or merchandise to the importer, owner, or consignee thereof, give seasonable notice to the party or parties claiming the lien ;

Lien for freight on imported goods; how secured.

Substitute for R. S., § 2981. 5 Fed. Rep., 216. 9 Fed. Rep., 598. 15 Fed. Rep., 905.

And the possession by the officers of customs shall not affect the discharge of such lien, under such regulations as the Secretary of the Treasury may prescribe ; and such officer may refuse the delivery of such merchandise from any public or bonded warehouse or other place in which the same shall be deposited, until proof to his satisfaction shall be produced that the freight thereon has been paid or secured ;

But the rights of the United States shall not be prejudiced thereby, nor shall the United States or its officers be in any manner liable for losses consequent upon such refusal to deliver.

If merchandise so subject to a lien regarding which notice has been filed, shall be forfeited to the United States and sold, the freight due thereon shall be paid from the proceeds of such sale in the same manner as other charges and expenses authorized by law to be paid therefrom are paid.

When goods subject to lien are sold by United States, freight to be paid.

SEC. 11. That this act shall take effect and be in force from and after the first day of July, anno Domini eighteen hundred and eighty. [June 10, 1880.]

When act takes effect.

CHAP. 203.—An act to establish a district and circuit court at Chattanooga, Tennessee, and to add the county of Grundy to the eastern district of Tennessee.

June 11, 1880.

21 Stat. L., 751.

Be it enacted, &c. [Sec. 1 is superseded by 1884, Dec. 27, ch. 7, § 1, post, p. 471.]

SEC. 2. A term of the circuit court and of the district court for the eastern district of Tennessee shall be held at Chattanooga in said state in each year on the first Mondays of April and October, after the passage of this act.

Tennessee. Courts to be held at Chattanooga. R. S., §§ 572, 658.

SEC. 3. Said eastern district shall be and hereby is divided into two divisions, to be known as the Northern and Southern divisions of the eastern district of Tennessee.

Eastern district divided into northern and southern divisions.

The southern division shall consist of the following counties, to wit, Hamilton, James, Polk, McMinn, Bradley, Meigs, Rhea, Marion, Sequatchie, Bledsoe, (1) Grundy, and Cumberland,

And the northern division shall consist of the remaining counties in said district.

But no additional clerk or marshal shall be appointed in said district.

SEC. 4. That the clerks of the district and circuit courts for the eastern district of Tennessee, and the marshal and district attorney for said district, shall perform the duties appertaining to their offices respectively for said courts.

Clerks, marshal, and attorney for eastern district; duties.

And the said clerks and marshals shall each appoint a deputy to reside and keep their offices in the city of Chattanooga, and who shall, in the absence of their principals, do and perform all the duties appertaining to their offices respectively.

—shall each appoint deputy at Chattanooga.

SEC. 5. All suits not of a local nature in the circuit and districts courts against a single defendant, inhabitant of said 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.

Suits to be brought in division of district where one of defendants reside. R. S., § 740.

NOTE.—(1) Grundy County attached to middle district by 1884, Dec. 27, ch. 7, § 2 post, p. 471.

—issues of fact; where to be tried.

All issues of fact in said suits shall be tried at a term of the court held in the division where the suit is so brought.

Prosecution for crimes; where cognizable.

SEC. 6. All prosecutions for crimes or offences hereafter committed in either of the sub-divisions shall be cognizable within such division; * * [*Words omitted relate to past offences.*] * *

Residence of jurors.

SEC. 7. All grand and petit jurors summoned for service in each division shall be residents of such division.

Service of process in either division.

All mesne and final process subject to the provisions hereinbefore contained, issued in either of said divisions may be served and executed in either or both of the divisions.

Removal of suits from State courts; to which division.

SEC. 8. In all cases of removal of suits from the courts of the State of Tennessee to the courts of the United States in the eastern district of Tennessee such removal shall be to the United States courts in the division in which the county is situated from which the removal is made; and the time within which the removal shall be perfected in so far as it refers to or is regulated by the terms of the United States courts, shall be deemed to refer to the terms of the United States courts in such division.

SEC. 9. [*Superseded by 1885, Feb. 25, ch. 147, 23 Stat. L., 320.*]

When act takes effect.

SEC. 10. This act shall be in force from and after the first day of July anno Domini eighteen hundred and eighty; and all acts and parts of acts inconsistent herewith are hereby repealed. [*June 11, 1880.*]

Repeal.

June 11, 1880.

CHAP. 206.—An act making appropriations for the service of the Post-Office Department for the fiscal year ending June thirtieth, eighteen hundred and eighty-one, and for other purposes.

21 Stat. L., 177.

Post-office inspectors: names of special agents.

Be it enacted, &c. * * [*Par. 1.*] Section four thousand and seventeen of the Revised Statutes is hereby so amended as to insert in lieu of the words "special agents" and the word "agents", wherever they occur in said section, the words "post-office inspectors". * *

R. S., § 4017.
1878, June 17, ch. 259, para. 1, 3, ante, pp. 186, 187. 1881,

Mar. 1, ch. 96, par. 1, post, p. 319.

Postal cards and stamps for foreign mail-matter may be furnished by Postmaster-General.

[*Par. 2.*] And the Postmaster-General is hereafter authorized to furnish and issue to the public, postal cards with postage-stamps impressed upon them, for circulation in the mails exchanged with foreign countries under the provisions of the Universal Postal Union Convention of June first, eighteen hundred and seventy-eight, at a postage charge of two cents each, including the cost of their manufacture. * * [*June 11, 1880.*]

June 14, 1880.

CHAP. 211.—An act making appropriations for the construction, repair, completion, and preservation of certain works on rivers and harbors, and for other purposes.

21 Stat. L., 197.

Sunken vessels obstructing navigation to be removed by Secretary of War.

Be it enacted, &c. * * SEC. 4. Whenever hereafter the navigation of any river, lake, harbor, or bay, or other navigable water of the United States, shall be obstructed or endangered by any sunken vessel or water-craft, it shall be the duty of the Secretary of War, upon satisfactory information thereof, to cause reasonable notice, of not less than thirty days, to be given, personally or by publication, at least once a week in the newspaper published nearest the locality of such sunken vessel or craft, to all persons interested in such vessel or craft, or in the cargo thereof, of the purpose of said Secretary, unless such vessel or craft shall be removed as soon thereafter as practicable by the parties interested therein, to cause the same to be removed.

1882, Aug. 2, ch. 375, post, p. 369.

1890, Sept. 19, ch. 907, § 8, post, p. 802.

1890, Oct. 1, ch. 1244, § 23, post, p. 361.

—unless removed by parties interested, after notice.

If such sunken vessel or craft and cargo shall not be removed by the parties interested therein as soon as practicable after the date of the giving of such notice by publication, or after such personal serv-

ice of notice, as the case may be, such sunken vessel or craft shall be treated as abandoned and derelict, and the Secretary of War shall proceed to remove the same.

Such sunken vessel or craft and cargo and all property therein when so removed shall, after reasonable notice of the time and place of sale, be sold to the highest bidder or bidders for cash, and the proceeds of such sales shall be deposited in the Treasury of the United States to the credit of a fund for the removal of such obstructions to navigation, under the direction of the Secretary of War, and to be paid out for that purpose on his requisition therefor.

The provisions of this act shall apply to all such wrecks whether removed under this act or under any other act of Congress.

Such sum of money as may be necessary to execute this section of this act is hereby appropriated, out of any money in the Treasury of the United States not otherwise appropriated, to be paid out on the requisition of the Secretary of War. [June 14, 1880.]

—after removal to be sold, with cargo, &c., and proceeds deposited in the Treasury.

Act extends to other wrecks.

Appropriation.

CHAP. 213.—An act to amend an act entitled “An act to create the northern judicial district of the State of Texas, and to change the eastern and western judicial districts of said State, and to fix the time and places of holding courts in said districts”, approved February twenty-fourth, eighteen hundred and seventy-nine.

June 14, 1880.

21 Stat. L., 198.

Be it enacted, &c., That the above recited act be amended by adding to and at the end of the fifth section thereof the following words, to wit:

And all prosecutions in either of said districts for offenses against the laws of the United States shall be tried in that division of the district to which process for the county in which said offenses are committed is by said section required to be returned. And all writs and recognizances in said prosecutions shall be returned to that division in which said prosecutions by this act are to be tried.

SEC. 2. That said act be further amended by adding to and at the end of section third thereof the words “and Aransas.”

Judicial districts of Texas; in which divisions offenses to be tried.

R. S., § 740.
1879, Feb. 24, ch. 97, § 5, ante, p. 219.

Aransas County added to western district.

ante, pp. 217, 218.
Pending cases.

SEC. 3. This act shall not apply to prosecutions now pending. [June 14, 1880.]

R. S., § 548. 1879, Feb. 24, ch. 97, § 3, and notes

CHAP. 214.—An act to amend an act entitled “An Act to amend the Statutes in relation to immediate transportation of dutiable goods, and for other purposes.”

June 14, 1880.

21 Stat. L., 198.

Be it enacted, &c., That in the act entitled “An Act to amend the Statutes in relation to immediate transportation of dutiable goods, and for other purposes”, approved June tenth, eighteen hundred and eighty, the words “section four” where they occur in the first section of the act, be changed to “section five”. [June 14, 1880.]

Transportation in bond of dutiable goods; error corrected.

1880, June 10, ch. 190, § 1, ante, p. 293.

CHAP. 225.—An act making appropriations for the legislative, executive, and judicial expenses of the government for the fiscal year ending June thirtieth, eighteen hundred and eighty-one, and for other purposes.

June 15, 1880.

21 Stat. L., 226.

Be it enacted, &c. * * And the Secretary of the Treasury shall make to Congress each year * * a statement giving the amount received under section thirty-six hundred and eighty-seven of the Revised Statutes, and also a statement showing in detail how the money appropriated under said section has been expended. * * [June 15, 1880.]

Secretary of Treasury to report annually fines, &c., received, and how expended.

R. S., § 3687.

June 15, 1880.

21 Stat. L., 237.

CHAP. 227.—An act relating to the public lands of the United States.

Alternate sections of railroad lands reduced to \$1.25.

R. S., § 2357, 1879, March 3, ch. 191; July 1, ch.

Act not to apply to mineral lands.

Be it enacted, &c. [Sections 1, 2, temporary, and expired. (1)]

SEC. 3. That the price of lands now subject to entry which were raised to two dollars and fifty cents per acre, and put in market prior to January, eighteen hundred and sixty one, by reason of the grant of alternate sections for railroad purposes is hereby reduced to one dollar and twenty-five cents per acre.

60, *ante*, pp. 257, 271. 1880, March 3, ch. 331, § 4, *post*, p. 683.

SEC. 4. This (1) act shall not apply to any of the mineral lands of the United States; and no person who shall be prosecuted for or proceeded against on account of any trespass committed or material taken from any of the public lands after March first, eighteen hundred and seventy-nine shall be entitled to the benefit thereof. [June 15, 1880.]

NOTE.—(1) The first section of this act relieved under conditions named certain trespassers upon public lands from proceedings by the United States for acts done prior to March 1, 1879. The second section relates to homestead entries "heretofore" made. The provisions of § 4 would seem more especially applicable to § 1, but as they apply in terms to the whole act, they are here retained.

June 16, 1880.

21 Stat. L., 259.

CHAP. 235.—An act making appropriations for the sundry civil expenses of the government for the fiscal year ending June thirtieth, eighteen hundred and eighty-one, and for other purposes.

No pay to collectors for certain light-house services.

Repealing in part R. S., § 4672.

Masters of light-house tenders to have certain police powers.

Chief Signal Officer to be brigadier-general.

Commercial reports printed by State Department may be sold.

R. S., § 211.

1884, July 7, ch. 333, *post*, p. 469.

Two officers of Ordnance Corps may be detailed for Geological Survey.

1879, March 3, Biennial Register to be made up as of July first.

R. S., § 8600.

1877, Dec. 15, ch. 4, § 2, *ante*, p. 150.

1882, Aug. 5, ch. 390, par. 3, *post*, p.

Admissions to Hospital for Insane in District of Columbia.

R. S., §§ 4843-4854.

1875, March 3, ch. 156, § 5, *ante*,

p. 94. 1882, Aug. 7, ch. 433, par. 14;

1884, July 7, ch. 332, par. 5, *post*, pp. 361, 460.

[Par. 8.] Columbia Institution for the Deaf and Dumb. * * That when any indigent applicant for admission to the institution,

Feeble-minded children in D. C. to be instructed.

Be it enacted, &c. * * [Par. 1.] And so much of section forty-six hundred and seventy-two of the Revised Statutes of the United States as provides compensation to collectors of the customs for services as superintendents of lights or as disbursing agents for the Light House Establishment is hereby repealed.

[Par. 2.] That masters of light-house tenders shall have police powers in matters pertaining to government property and smuggling.

[Par. 3.] And from and after the passage of this act, the Chief Signal Officer shall have the rank and pay of a brigadier-general.

R. S., § 1195. 1890, Oct. 12, ch. 1266, *post*, p. 879.

[Par. 4.] For printing and distributing more frequently the publications by the Department of State of the consular and other commercial reports, including circular letters to chambers of commerce,

* * That such publications may be sold at such rates as may be fixed by said department, and the proceeds of all sales to be paid into the Treasury; * *

[Par. 5.] And the Secretary of War is hereby authorized to detail not exceeding two officers of the Ordnance Corps to serve with the Geological Survey: *Provided*, That in his judgment it can be done without injury to the service.

ch. 182, par. 10, *ante*, p. 251.

[Par. 6.] That section two of the act of December fifteenth, eighteen hundred and seventy-seven, entitled "An act providing for the printing and distribution of the Biennial Register," is hereby so amended as to read "the first day of July" instead of "the last day of June," as the day upon which the lists of the Biennial Register shall in future be made up.

376.

[Par. 7.] Government Hospital for the Insane. * * That hereafter the admissions to the hospital shall be limited to such persons as are entitled to treatment therein under the provisions of title fifty-nine, chapter four, of the Revised Statutes of the United States, and under the act approved March third, eighteen hundred and seventy-five, chapter one hundred and fifty-six, second session, Forty-third Congress. * *

7, ch. 433, par. 14; 1884, July 7, ch. 332, par. 5, *post*, pp. 361, 460.

[Par. 8.] Columbia Institution for the Deaf and Dumb. * * That when any indigent applicant for admission to the institution,

thousand eight hundred and thirty-one entitled "An act allowing the duties on foreign merchandise imported into Pittsburgh, Wheeling, Cincinnati, Louisville, Saint Louis, Nashville, and Natchez, to be secured and paid at those places", shall be extended to said port.

Surveyor.
R. S., §§ 2569,
2619, 2656, 2708,
4186, 4381.

Collector's sala-
ry.

A surveyor of customs shall be appointed to reside at said port, and perform the duties prescribed by law, who shall receive such compensation now provided, or which may hereafter be provided, by law, for surveyors of the same grade:

Provided, That the salary of the collector shall not exceed the net fees collected according to law at said port. [June 16, 1880.]

June 16, 1880.

CHAP. 242.—An act creating Yakima land-district in Washington Territory.

21 Stat. L., 233.
Yakima land
district, Washing-
ton, created and
bounded.

R. S. § 2256.
1876, Aug. 15, ch.
307, *ante*, p. 123.
1890, May 16, ch.
215, *post*, p. 741.

Be it enacted, &c., That all that portion of Washington Territory bounded by a line commencing at a point of the intersection of the line between townships six and seven north, and between ranges twenty-seven and twenty-eight east of the Willamette meridian; and running westerly along said line between townships six and seven north to the summit of the Cascade Mountains; thence northerly along said summit to the boundary line between the United States and British Columbia; thence east along said line to the Columbia guide meridian; thence south on said meridian to the line between townships sixteen and seventeen north; thence west along said line to the line between ranges twenty-seven and twenty-eight east; thence south along said line to the place of beginning shall constitute a separate land district, to be called the Yakima land district, the office of which shall be located at Yakima City therein.

—register and re-
ceiver for.

R. S., § 2234.

SEC. 2. That the President shall appoint, by and with the advice and consent of the Senate, or during the recess thereof, a register and a receiver of public moneys for said district; and said officers shall reside in the place where said land office is located, and shall have the same powers and responsibilities, and shall receive the same fees and emoluments, as the like officers now receive in the other land-offices in said Territory.

SEC. 3. [*Relates to pending business.*] [June 16, 1880.]

June 16, 1880.

21 Stat. L., 287.

CHAP. 244.—An act for the relief of certain settlers on the public lands, and to provide for the repayment of certain fees, purchase money and commissions paid on void entries of public lands.

Persons who
have paid fees,
&c., for certain
entries of soldiers'
and sailors' home-
steads which have
proved void, to
have money re-
funded.

R. S. § 2306.

Be it enacted, &c., That in all cases where it shall, upon due proof being made, appear to the satisfaction of the Secretary of the Interior that innocent parties have paid the fees and commissions and excess payments required upon the location of claims under the act entitled "An act to amend an act entitled 'An act to enable honorably discharged soldiers and sailors, their widows and orphan children, to acquire homesteads on the public lands of the United States', and amendments thereto", approved March third eighteen hundred and seventy-three, and now incorporated in section twenty-three hundred and six of the Revised Statutes of the United States, which said claims were, after such location, found to be fraudulent and void, and the entries or locations made thereon canceled, the Secretary of the Interior is authorized to repay to such innocent parties the fees and commissions, and excess payments paid by them, upon the surrender of the receipts issued therefor by the receivers of public moneys, out of any money in the Treasury not otherwise appropriated, and shall be payable out of the appropriation to refund purchase-money on lands erroneously sold by the United States.

SEC. 2. In all cases where homestead or timber-culture or desert-land entries or other entries of public lands have heretofore or shall hereafter be canceled for conflict, or where, from any cause, the entry has been erroneously allowed and cannot be confirmed, the Secretary of the Interior shall cause to be repaid to the person who made such entry, or to his heirs or assigns, the fees and commissions, amount of purchase money, and excesses paid upon the same upon the surrender of the duplicate receipt and the execution of a proper relinquishment of all claims to said land, whenever such entry shall have been duly canceled by the Commissioner of the General Land Office,

And in all cases where parties have paid double-minimum price for land which has afterwards been found not to be within the limits of a railroad land grant, the excess of one dollar and twenty-five cents per acre shall in like manner be repaid to the purchaser thereof, or to his heirs or assigns.

SEC. 3. The Secretary of the Interior is authorized to make the payments herein provided for, out of any money in the Treasury not otherwise appropriated.

SEC. 4. The Commissioner of the General Land Office shall make all necessary rules, and issue all necessary instructions, to carry the provisions of this act into effect;

And for the repayment of the purchase money and fees herein provided for the Secretary of the Interior shall draw his warrant on the Treasury and the same shall be paid without regard to the date of the cancellation of the entries. [June 16, 1880.]

Where entries on public lands are canceled or not confirmed, fees and purchase money, &c., to be refunded, &c.

Refund of excess when parties have paid double price, &c.
R. S., § 2357.

Appropriation.

Rules by the Commissioner.

Warrants for payment.

CHAP. 245.—An act to grant the State of Nevada lands in lieu of the sixteenth and thirty-sixth sections in said State.

June 16, 1880.

21 Stat. L., 287.

Whereas, the legislature of the State of Nevada on March eighth, eighteen hundred and seventy-nine, passed an act accepting from the United States a grant of two millions or more acres of land in lieu of the sixteenth and thirty-sixth sections therein, and relinquishing to the United States all such sixteenth and thirty-sixth sections in said State as have not been heretofore sold or disposed of by said State, and which act of said State is in words as follows, to wit:

Preamble.

"An act accepting from the United States a grant of two millions or more acres of land in lieu of the sixteenth and thirty-sixth sections, and relinquishing to the United States all such sixteenth and thirty-sixth sections as have not been sold or disposed of by the State.

Act of Nevada accepting a grant of land in lieu of sixteenth and thirty-sixth sections.

"The people of the State of Nevada represented in Senate and assembly do enact as follows:

1864, March 21, ch. 36, § 7 (14 Stat. L., 30).

1866, June 8, ch. 55, § 1 (15 Stat. L., 57).

"SECTION. 1. The State of Nevada hereby accepts from the United States not less than two millions of acres of land in the State of Nevada in lieu of the sixteenth and thirty-sixth sections heretofore granted to the State of Nevada by the United States: *Provided*, That the title of the State and its grantees to such sixteenth and thirty-sixth sections as may have been sold or disposed of by the State prior to the enactment of any such law of Congress granting such two millions or more acres of land to the State shall not be changed or vitiated in consequence of or by virtue of such act of Congress granting such two millions or more acres of land, or in consequence of or by virtue of this act surrendering and relinquishing to the United States the sixteenth and thirty-sixth sections unsold or undisposed of at the time such grant is made by the United States.

"SEC. 2. The State of Nevada, in consideration of such grant of two millions or more acres of land by the United States, hereby relinquishes and surrenders to the United States all its claim and title to such sixteenth and thirty-sixth sections in the State of Nevada heretofore granted by the United States as shall not have been sold or disposed of subsequent to the passage of any act of Congress that may hereafter be made granting such two millions or more acres of land to the State of Nevada: *Provided*, That the State of Nevada shall have the right to select the two millions or more acres of land mentioned in the act":

Therefore,

Be it enacted, &c., That there be, and are hereby, granted to the State of Nevada two million acres of land in said State in lieu of the

Land granted to Nevada instead of

sixteenth and thirty-sixth sections. 1891, Feb. 28, ch. 384, *post*, p. 896.

sixteenth and thirty-sixth sections of land heretofore granted to the State of Nevada by the United States: *Provided*, That the title of the State and its grantees to such sixteenth and thirty-sixth sections as may have been sold or disposed of by said State prior to the passage of this act shall not be changed or vitiated in consequence of or by virtue of this act.

—how selected.

SEC. 2. The lands herein granted shall be selected by the State authorities of said State from any unappropriated, non-mineral, public land in said State, in quantities not less than the smallest legal subdivision; and when selected in conformity with the terms of this act the same shall be duly certified to said State by the Commissioner of the General Land Office and approved by the Secretary of the Interior.

—how disposed of.

SEC. 3. The lands herein granted shall be disposed of under such laws, rules, and regulations as may be prescribed by the legislature of the State of Nevada:

—disposition of proceeds of.

Provided, That the proceeds of the sale thereof shall be dedicated to the same purposes as heretofore provided in the grant of the sixteenth and thirty-sixth sections made to said State.

When act takes effect.

SEC. 4. This act shall take effect from and after its passage. [June 16, 1880.]

June 16, 1880.

21 Stat. L., 290.

Jurors' and witnesses' fees in Colorado. R. S., § 848, 852.

CHAP. 247.—An act in relation to the mileage of jurors and witnesses in the State of Colorado.

Be it enacted, &c., That jurors and witnesses in the district and circuit courts of the United States in and for the State of Colorado, shall be entitled to receive fifteen cents for each mile actually traveled in coming to or returning from said courts. [June 16, 1880.]

June 16, 1880.

21 Stat. L., 290.

Machinists honorably discharged from Navy since November 20, 1879, to receive one-third of year's pay in lieu of other extras, &c.

CHAP. 249.—An act relating to machinists in the Navy.

Be it enacted, &c., That all men now serving in the Navy who may be discharged as machinists, with continuous-service certificates entitling them to honorable discharge, and those discharged in the said rating with such certificates since the twentieth day of November, eighteen hundred and seventy-nine, shall receive one-third of one year's pay as a machinist for each good-conduct badge they have received, or may receive, not exceeding three in number under the said certificates, the said gratuity to be received in lieu of re-enlistment as a machinist under such certificate, and to be in full and in lieu of all claims against the United States in connection therewith, for extra pay for re-enlisting, or for continuous service, or for enlistment as a petty-officer; and the amount necessary to carry out the provisions of this act is hereby appropriated, out of any money in the Treasury not otherwise appropriated:

—not prevented from re-enlisting.

Provided, That nothing herein contained shall be so construed as to prevent the re-enlistment of machinists in the Navy. [June 16, 1880.]

June 16, 1880.

21 Stat. L., 292.

Sec. of Agriculture; to whom to account and report.

CHAP. 252.—An act making appropriations for the Agricultural Department of the government for the fiscal year ending June thirtieth, eighteen hundred and eighty-one, and for other purposes.

Be it enacted, &c., * * *

SEC. 2. (1) The Commissioner of Agriculture is hereby directed and required to account and report to the proper accounting officers of the Treasury, in the same manner and at the same times, as the heads

NOTE.—(1) This provision is repeated in 1881, March 3, ch. 129, § 2 (21 Stat. L., 385).

of executive departments of the government are now required by law to account and report.

1885, March 3, ch. 338, *post*, p. 481.

SEC. 3. That all acts or parts of acts inconsistent or in conflict with the provisions of this act are hereby repealed. [June 16, 1880.]

R. S., § 277, par. 1.
1889, Feb. 9, ch. 122, *post*, p. 641.
Repeal.

RESOLUTIONS.

NUMBER 10.—Joint resolution for printing the American Ephemeris and Nautical Almanac.

Feb. 11, 1880.

Resolved, &c., That there shall be printed annually at the Government Printing Office fifteen hundred copies of the American Ephemeris and Nautical Almanac and of the papers supplementary thereto, of which one hundred shall be for the use of the Senate, four hundred for the House of Representatives, and one thousand for the public service, to be distributed by the Navy Department.

21 Stat. L., 301.
American Ephemeris and Nautical Almanac; how printed and distributed.

SEC. 2. That additional copies of the Ephemeris and of the Nautical Almanac extracted therefrom may be ordered by the Secretary of the Navy for sale:

R. S., § 436.

Provided, That all moneys received from such sale shall be deposited in the Treasury to the credit of the appropriation for public printing. [February 11, 1880.]

Copies for sale.

—proceeds of sale to be deposited in Treasury.
R. S., § 3618.

NUMBER 22.—Joint resolution providing for payment of wages to employees in the Government Printing Office for legal holidays.

April 16, 1880.

Resolved, &c., That the (1) employees of the Government Printing Office shall be allowed the following legal holidays with pay, to wit: the first day of January, the twenty-second day of February, the fourth day of July, the twenty-fifth day of December, and such day as may be designated by the President of the United States as a day of public fast or thanksgiving:

21 Stat. L., 304.
Printing Office holidays with pay. 1879, Jan. 31, ch. 38, and note, *ante*, p. 210.

Provided, That the said employees shall be paid for these holidays only when the employees of the other government departments shall be so paid:

1885, Jan. 6, Res. No. 5, *post*, p. 486.
—to be so paid only when employes of other Departments are.

And provided further, That nothing herein contained shall authorize any additional payment to such employees as receive annual salaries. [April 16, 1880.]

Salaried officers not to have additional pay.

NOTE.—(1) The resolution of 1885, Jan. 6, Res. No. 5, *post*, p. 486, relates to the same subject as this and partly, if not entirely, supersedes it. See note to 1879, Jan. 31, ch. 38, *ante*, p. 210, on public holidays and to 1891, March 3, ch. 550, *post*, p. 924, on employees of the Government Printing Office.

NUMBER 25.—Joint resolution legalizing the health ordinances and regulations for the District of Columbia.

April 24, 1880.

Resolved, &c. That the ordinances of the late Board of Health of the District of Columbia, as revised, amended, and adopted November nineteenth, eighteen hundred and seventy-five, entitled "An ordinance to revise, consolidate, and amend the ordinances of the Board of Health, to declare what shall be deemed nuisances injurious to health, and to provide for the removal thereof", as printed in the report of said late Board of Health made to the first session of the Forty-fourth Congress, being executive document

21 Stat. L., 304.
Ordinances of Board of Health, District of Columbia, legalized.
1 MacArthur, (D. C.), 433.
3 Mackey (D. C.), 343.
—in relation to nuisances.

1874, June 23, ch. 490, *ante*, p. 55.
 1878, June 11, ch. 180, § 8, *ante*, p. 179.
 1881, Jan. 25, ch. 27, *post*, p. 314.
 1887, Jan. 26, ch. 49, *post*, p. 523.
 1890, Dec. 20, ch. 25, *post*, p. 885.

—domestic animals.

—unwholesome food.

—inspection of food, &c.

—public urinals.

—small-pox.

—record of vital statistics.

number one, part eight, be, and the same are hereby, legalized; and the respective penalties therein prescribed for violations thereof may be imposed and enforced for the respective offenses therein described, excepting the sections of said ordinance following, namely: Sections seven, nine, and fourteen, which said sections are not hereby legalized.

SEC. 2. That the ordinances, rules, and regulations of said late Board of Health contained in the report mentioned in the preceding section, and printed in the said executive document therein mentioned, namely: (1)

First. "An ordinance to amend an ordinance to prevent domestic animals from running at large within the cities of Washington and Georgetown, passed by the Board of Health May nineteenth, eighteen hundred and seventy-one";

Second. "An ordinance to prevent the sale of unwholesome food, in the cities of Washington and Georgetown";

Third. "An ordinance to provide for the inspection of streets, food, live stock, fish and other marine products, in the cities of Washington and Georgetown, and to define the duties of inspectors and other officers of the Board of Health";

Fourth. "An ordinance to amend section ten of the code so as to read";

Fifth. An ordinance to amend an ordinance passed May thirteenth, eighteen hundred and seventy-three, to read as follows";

Sixth. "An ordinance to prevent committing or creating nuisances in or about public urinal or urinals located within the cities of Washington and Georgetown";

Seventh. "Rules and regulations in regard to small-pox";

Eighth. "Regulations to secure a full and correct record of vital statistics, including the registration of marriages, births, and deaths, the interment, disinterment, and removal of the dead in the District of Columbia", be, and the same are hereby, legalized and made valid; and the penalties therein provided respectively for violations thereof, may be imposed and enforced for the violations of the same respectively, as provided by section twenty-seven of the ordinances passed November nineteenth, eighteen hundred and seventy-five. [April 24, 1880.]

NOTE.—(1) The following are the ordinances, &c., legalized by the foregoing act.

[ORDINANCES OF THE DISTRICT OF COLUMBIA, LEGALIZED BY JOINT RESOLUTION OF CONGRESS, 1880, APRIL 24, NUMBER 26.]

AN ORDINANCE

To revise, consolidate, and amend the ordinances of the Board of Health, to declare what shall be deemed nuisances injurious to health, and to provide for the removal thereof.

Be it ordained, &c., That filth, the contents of cess-pools, offal, garbage, foul water, dye-water, refuse from manufactories, ordure, urine, stable-manure, decayed animal or vegetable matter, or other offensive substance detrimental to health, thrown, placed, or allowed to remain, in or upon any street, avenue, alley, sidewalk, gutter, public reservation, or open lot, in the cities of Washington or Georgetown, or in the more densely populated suburbs of said cities, are hereby declared nuisances injurious to health; and any person who shall commit, create, or maintain the aforesaid nuisances, or either of them, shall, upon conviction, be fined not less than five nor more than twenty-five dollars for every such offense.

SEC. 2. That the carrying and transporting of bones, hides, fish, garbage, offal, or other animal or vegetable substances, in decomposing and offensive condition, in any other than covered and inclosed vehicles, through any street, avenue, alley or public place, within the cities of Washington or Georgetown, or the more densely populated suburbs of said cities, is hereby declared a nuisance injurious to health; and any person who shall cause, commit, create or maintain such nuisance, shall, upon conviction, be fined not less than two nor more than twenty-five dollars for every such offense.

SEC. 3. That manure accumulated in great quantities; manure, offal, or garbage piled or deposited within 300 feet of any place of worship, or of any dwelling, or unloaded along the line of any railroad, or in any street or public way; cars or flats loaded with manure, or other offensive matter, remaining or standing on any railroad, street, or highway in the cities of Washington or Georgetown, or the more densely populated suburbs of said cities, are hereby declared nuisances injurious to health; and any person who shall pile or deposit manure, offal, or garbage, or any offensive or nauseous substance within 300 feet of any inhabited dwelling, within the limits of said cities, or their said suburbs; and any person who shall unload, discharge, or put upon or along the line of any railroad, street or highway or public place, within said cities or their said suburbs, any manure, garbage, offal, or other offensive or nauseous substance, within 300 feet of any inhabited dwelling, or who shall cause or allow cars or flats loaded with, or having in or upon them any such substance to remain or stand in or along any railroad, street or highway, within the limits of said cities or their said suburbs, within 300 feet of any inhabited dwelling, and who shall fail after notice duly served by this board, to remove the same, shall, upon conviction thereof, be fined not less than five, nor more than twenty-five dollars for every such offense.

Filth or other offensive substance thrown in streets, avenues, or public places declared nuisances.

Carrying offensive substances, in open vehicles, through streets, avenues, &c.

Manure, offal, &c., within 300 feet of dwelling, or along line of street, railroad, &c.

Sec. 4. That the filling, leveling, or raising the surface of any ground or lot within the cities of Washington or Georgetown, or the more densely populated suburbs of said cities, with animal or vegetable substances, filth gathered in cleaning yards or streets, or waste material from mills or factories, or the removal of the surface of any ground or lot within said cities or their said suburbs, filled with such offensive matter or substance, in such manner as to cause noisome odors or noxious gases to arise, are hereby declared nuisances injurious to health; and any person who shall cause, commit, create, or maintain such nuisance, shall, upon conviction, be fined not less than five nor more than twenty dollars for every such offense.

Sec. 5. That throwing or placing any defiling or poisonous substance, decayed animal or vegetable matter or filth into, or causing or allowing the same to pass or enter into, any spring, well, or river water, used by the public for drinking or cooking purposes, or into the water of any public reservoir or water-pipe within the District of Columbia; whereby such water is rendered impure and unwholesome, are hereby declared nuisances injurious to health; and any person who shall commit or create such nuisance shall, upon conviction, be fined not less than five nor more than fifty dollars for every such offense.

Sec. 6. That any wells, springs, or waters used for drinking or cooking purposes, which are impure and unwholesome, or which have been rendered impure and unwholesome by reason of any defiling or poisonous substance, are hereby declared nuisances injurious to health; and any person who shall maintain or continue such nuisance, after due notice from this board to abate the same, shall, upon conviction, be fined not less than ten nor more than fifty dollars for every such offense.

Sec. 7. [Not legalized.]

Sec. 8. That aillants trees, the flowers of which produce offensive and noxious odors, in bloom, in the cities of Washington or Georgetown, or the more densely populated suburbs of said cities, are hereby declared nuisances injurious to health; and any person maintaining such nuisance, who shall fail, after due notice from this board, to abate the same, shall, upon conviction, be fined not less than five nor more than ten dollars for every such offense.

Sec. 9. [Not legalized.]

Sec. 10. That drain-pipes, soil-pipes, passages into sewers, or connections between any sewer and any ground or building, not of adequate and sufficient size to allow the free and entire passage of all the material that enters the same, or not provided with good and sufficient sewer-traps, so as to prevent the escape of noisome odors and noxious gases therefrom, are hereby declared nuisances injurious to health; and any person creating or maintaining either of said nuisances, who shall fail, after due notice from this board, to abate the same, shall, upon conviction, be fined not less than five nor more than twenty-five dollars for every such offense.

Sec. 11. That all water-closets and privies connected with any house, building, or premises within the District of Columbia, in or upon which people live, or where they congregate or assemble, or any kind of business is done, kept in a filthy and offensive condition, or from which noisome odors and noxious gases arise, and all water-closets located within and being a part of any such house or building not provided with proper sewer-traps so as to prevent the return and escape of noxious gases and offensive odors from any public or private sewer connected therewith, are hereby declared nuisances injurious to health; and any person creating, keeping, or maintaining such nuisance, shall, upon conviction, be fined not less than five nor more than twenty-five dollars for every such offense.

Sec. 12. That any privy within the cities of Washington or Georgetown, or the more densely populated suburbs of said cities, including Unkintown or Anacostia, and Mount Pleasant, in the District of Columbia, constructed of other material than brick, cement, or wood, or which is not provided with a sufficient box, bucket, or vessel for the reception of filth, and the inside of which is not at least five feet distant from the line of any adjoining lot, and at least two (2) feet distant from any street, lane, alley, camp, square, or public place, or public or private passage-way; and any privy so constructed that it cannot be conveniently approached and cleaned, or in such manner that each and every vault, box, bucket or vessel thereof is not made tight and close, so that the contents thereof cannot escape therefrom, except as may be permitted by means of passage-way or conduit under ground, for the purpose of carrying away the contents of such vault, box, or vessel into any common sewer or drain, is hereby declared a nuisance injurious to health; and any person who shall create, maintain or continue such nuisance, and shall fail, after due notice from this board, to abate or remedy the same, shall, upon conviction, be fined not less than five nor more than twenty dollars for every such offense.

Sec. 13. That fecal matter, not thoroughly deodorized and disinfected, remaining in privies in the District of Columbia, is hereby declared a nuisance injurious to health; and the board of health shall, upon the receipt of complaint in writing, cause any privy to be inspected, and, if necessary, cleaned by the persons authorized for said purpose; and any person owning or occupying premises on which any privy is situated, who shall refuse to permit the same to be inspected and cleaned at the times designated by said board, or whenever necessary, shall, upon conviction, be fined not less than five dollars for every such offense.

Sec. 14. [Not legalized.]

Sec. 15. That it shall be unlawful for any person to deposit the contents of any privy in any place other than such as may be approved by this board; and any person so offending shall, upon conviction, be fined not less than five nor more fifty dollars for every such offense.

Sec. 16. That the system heretofore in use of removing night-soil, cleaning privies, privy-boxes, vaults, sinks, and cess-pools within the cities of Washington and Georgetown, and the more densely populated suburbs of said cities, by buckets or other process agitating and exposing the contents thereof in the open air, and of transporting said contents in carts or other vehicles not air-tight, through the streets, avenues, alleys, and other public places within said cities, and their said suburbs, is hereby declared a nuisance injurious to health;

And that, from and after the 15th day of October, A. D. 1873, no part of the contents (except substances not soluble in water) of any privy, privy-box, vault, sink, or cess-pool within said cities or their said suburbs, shall be removed therefrom, nor shall the same be transported through any of the streets, avenues, alleys, or other public places of said cities or of their said suburbs, except as the same shall be removed and transported by means of some air-tight apparatus, pneumatic or other process, so as to prevent the said contents from being agitated or exposed in the open air during said process of removal or transportation; and any person violating the provisions of this section shall, upon conviction thereof, be fined not less than ten nor more than fifty dollars for every such offense.

Sec. 17. That the keeping, herding, and feeding of hogs, in pens or otherwise, within the cities of Washington or Georgetown, or the more densely populated suburbs of said cities, is hereby declared a nuisance injurious to health; and any person creating or maintaining such nuisance who shall fail after due notice from this board, to abate the same, shall, upon conviction, be fined not less than five nor more than twenty-five dollars, for every such offense.

Sec. 18. That filthy and unwholesome stables, sheds, pens, or places where cows, horses, mules, or other animals are kept, within the cities of Washington or Georgetown, or the more densely populated suburbs of said cities, are hereby declared nuisances injurious to health; and any person creating or maintaining such nuisance who shall fail, after due notice from this board, to abate the same, shall, upon conviction, be fined not less than five nor more than twenty-five dollars for every such offense.

Sec. 19. That any animal affected by glanders or other contagious or pestilential disease, kept or remaining in any stable, shed, pen, or place within the cities of Washington or Georgetown, or the more densely populated suburbs of said cities, is hereby declared a nuisance injurious to health; and any person keeping or maintaining such nuisance, who shall fail, after due notice from this board, to abate the same, shall, upon conviction, be fined not less than five nor more than twenty-five dollars for every such offense.

Sec. 20. That all establishments, or places of business for tanning, skinning, scouring, or dressing hides or leather within the District of Columbia, in a filthy condition, or from which noisome odors and

Filling lots with filth and offensive substances; or removing surface of lots so filled.

Defiling or poisonous substances thrown into spring, well, or river water, &c.
1885, March 2, ch. 316, post, p. 460.

Impure and unwholesome wells or springs.

Ailantus trees, in bloom, producing offensive and noxious odors.
R. S., § 1890.

Inadequate and insufficient drain-pipes, soil-pipes, and passages into sewers.

Filthy and offensive water-closets and privies.

Privies unlawfully and improperly constructed or located.

Leaky privies, privy-boxes, vaults, &c.

Fecal matter remaining in privies.
Privies to be inspected and cleaned.

Depositing contents of privy in place not approved by board of health.

Bucket system of removing night-soil and transporting contents through streets, &c.

Contents of privies, &c., to be removed and transported only by air-tight apparatus, &c.

Keeping and feeding hogs in pens, &c.

Filthy and unwholesome stables, sheds, and pens.

Glandered or diseased animals remaining in stables, pens, &c.

Filthy and noisome tanneries, &c.

noxious gases arise, are hereby declared nuisances injurious to health; and any person who shall erect, create, maintain, or continue such nuisance, and who shall fail, after due notice from this board, to abate the same, shall, upon conviction, be fined not less than ten nor more than fifty dollars for every such offense.

Boiling swill, burning bones, and other offensive and noxious trades, &c.

Sec. 21. That the boiling of offal, swill, bones, fat, tallow, or lard; the crushing, grinding or burning of bones or shells; cleansing guts; making glue from any dead animal or part thereof; making or boiling varnish or oil; making lampblack, turpentine, or tar; distilling ardent, alcoholic, or fermented spirits; storing or keeping scraps, fat, grease, or other offensive animal matter; rendering or trying out dead, undressed, and unslaughtered animals, or any other business or trade, whereby noisome stenches and odors and noxious gases arise or are generated, within the cities of Washington or Georgetown, or the more densely-populated suburbs of said cities, are hereby declared nuisances injurious to health; and any person who shall cause, erect, create, maintain, or continue any such nuisance, and who shall fail, after due notice from this board, to abate the same, shall, upon conviction thereof, be fined not less than ten nor more than one hundred dollars for every such offense.

Unclean and filthy slaughter-houses.

Sec. 22. That unclean and filthy slaughter-houses, rooms, buildings, or places where sheep, hogs, cattle, or other animals are slaughtered, within the District of Columbia, are hereby declared nuisances injurious to health; and any person creating, keeping, or maintaining such nuisance, who shall fail, after due notice from this board, to abate the same, shall, upon conviction, be fined not less than ten nor more than fifty dollars for every such offense.

Crushing or breaking stone, creating offensive dust, &c.

Sec. 23. That the crushing or breaking of stone within the cities of Washington and Georgetown, or the more densely-populated suburbs of said cities, by machines or otherwise, in such manner as to create offensive and deleterious dust, is hereby declared a nuisance injurious to health; and any person creating or maintaining said nuisance, who shall fail, after due notice from this board, to remove or abate the same, shall, upon conviction, be fined not less than ten nor more than fifty dollars for every such offense.

Undressed dead animals remaining in cities of Washington and Georgetown.

Sec. 24. That undressed dead animals being or lying in any part of the cities of Washington or Georgetown, or the more densely-populated suburbs of said cities, viz: Any of the horse, mule, or jack kind, or any cow, goat, calfs, heep, dog, or swine, are hereby declared nuisances injurious to health; and any person owning, possessing, or controlling any such dead animal, or any person who shall knowingly place or allow such dead animal to remain in any part of said cities or their said suburbs, and who shall fail to give notice thereof to the board of health within eight hours after the death of said animal, shall, upon conviction, be fined not less than five nor more than ten dollars for every such offense.

Unmuzzled and hydrophobic dogs going at large, to be killed by owner, or taken up and shot by poundmaster if not redeemed.

1878, June 19 ch. 323, § 7, ante, p. 197.

Sec. 25. That unmuzzled dogs, going upon any street, avenue, or other public place, between the fifteenth day of May and the fifteenth day of October in any year, mad dogs, and dogs bitten by hydrophobic dogs, are hereby declared nuisances injurious to health; and any person owning or keeping any dog who shall allow the same to go unmuzzled upon any street, alley, or other public place, between the fifteenth day of May and the fifteenth day of October in any year, or who shall refuse to kill, or to cause to be killed, any such dog owned or kept by him, which has gone mad, or given symptoms of hydrophobia, or who shall omit to confine any such animal exposed to such disease, or which has been bitten by a hydrophobic dog or animal, shall be deemed guilty of maintaining a nuisance, and, upon conviction thereof, shall be fined not less than one nor more than twenty-five dollars; and any dog going at large between the fifteenth day of May and the fifteenth day of October in any year, without a proper muzzle, shall be taken up by the poundmaster, who shall charge the owner of the same one dollar for its redemption; and every such dog not redeemed within twenty-four hours after having been taken up as aforesaid, shall be liable to be shot by said poundmaster.

Health-officer to abate nuisances after notice to party liable, and costs of removal to be collected by suit.

Sec. 26. That it shall be the duty of the health-officer appointed by this board, upon receiving information or obtaining knowledge of the existence of any thing or things herein declared to be nuisances, or any thing or things which may hereafter be declared to be nuisances by any ordinance or resolution enacted or adopted by this board, to notify the person or persons committing, creating, keeping, or maintaining the same, to remove, or cause to be removed, the same within twenty-four hours, or such other reasonable time as may be determined by this board, after such notice be duly given; and if the same be not removed by such person or persons within the time prescribed in said notice, it shall be the duty of the health-officer aforesaid to remove, or cause to be removed, such nuisance or nuisances, and all costs and expenses of such removal shall be paid by the persons committing, creating, keeping, or maintaining such nuisance or nuisances; and if the said costs and expenses thus accruing shall not be paid within ten days after such removal by said health-officer, the same shall be collected from the person or persons committing, creating, keeping, or maintaining such nuisances, by suit at law.

Fines to be collected by information at instance of board of health.

Sec. 27. That all fines and penalties imposed by any section of this ordinance shall be collected by prosecution in the police or other proper court of the District of Columbia, by information filed in said court, at the instance of the board of health.

Court to order abatement of nuisances.

And whenever the nuisance complained of is set forth as continuing and existing, and is shown to be such to the satisfaction of the court before whom the person creating or maintaining said nuisance is tried, the party so offending shall, upon conviction thereof, in addition to the fine imposed, be ordered by said court to abate or remove said nuisance.

Repeal.

Sec. 28. That all ordinances, or parts of ordinances, of this board, inconsistent or in conflict with the foregoing provisions of this ordinance are hereby repealed.

[November 19, 1875.]

AN ORDINANCE

1879, June 27, ch. 38, ante, p. 268.

To amend "An ordinance to prevent domestic animals from running at large within the cities of Washington and Georgetown, passed by the Board of Health May 19, 1871."

1887, Jan. 26, ch. 49, par. 7, post, p. 323.

Domestic animals running at large to be impounded.

Be it ordained, &c., That domestic animals shall not be permitted to run at large within the limits of the cities of Washington and Georgetown, and all domestic animals found running at large within the limits of said cities shall be taken up and impounded.

— to be sold if not claimed.

Sec. 2. That every animal taken up and impounded as aforesaid, within forty-eight hours after such impounding, if not claimed, and the charges for taking up, impounding, and keeping the same paid, shall be sold at public auction; and the poundmaster appointed by this Board, as hereinafter provided, is hereby authorized to act as auctioneer at said sale.

— proceeds of sale in such case.

Sec. 3. That the proceeds of such sales shall be paid over to the Treasurer of the Board, who shall give duplicate receipts therefor, one copy of the same to be retained by the officer selling such animals, and the other copy to be by said officer filed with the Secretary of the Board; and it shall be the duty of said treasurer to keep an accurate account of all moneys received by him under the provisions of this ordinance, and to report the same from time to time as required by the Board.

— when may be paid to owner,

Sec. 4. That all moneys received by said Treasurer from the sale of animals, as aforesaid, shall, if demanded by the owner of such animals, at any time within one year from the sale thereof, upon satisfactory proof that such claimant was the owner of such animal sold as aforesaid, after deduction of charges and expenses, as hereinafter specified, of taking up, and impounding, and keeping such animals, be paid to said claimant; otherwise said moneys shall be used by this Board for sanitary purposes within and for the benefit of the District of Columbia.

Sec. 5. That the charges for taking up and impounding domestic animals found running at large within the cities of Washington and Georgetown shall be as follows, to wit: For each horse, mule, bull, steer, cow, calf, heifer, two dollars; and for each sheep, goat, hog, one dollar; and for each goose, fifty cents; and, in addition to said several sums, the charges for keeping said animals shall be the reasonable and necessary expenses thereof, to be paid by owner.

Charges for impounding.

Sec. 6. That no person shall break open, or in any manner, directly or indirectly, aid or assist in breaking open, any pound established by the Board of Health, or take or let any animal out of such pound, without the consent of the officer keeping the same; nor shall any person or persons hinder, delay, or obstruct any person or persons engaged in driving or carrying to such pound any animal or animals liable to be taken up or impounded under the provisions of this ordinance; and any person violating the provisions of this section shall be punished, upon conviction thereof, by a fine of not less than five dollars nor more than twenty-five dollars for each and every such violation.

Penalty for breaking open pound, &c.

Sec. 7. That there shall be appointed by the Board of Health a poundmaster, whose duty it shall be to take up and impound all domestic animals found running at large within the cities of Washington and Georgetown, to keep safely and carefully all property pertaining to said pound, and all animals impounded therein; and to report from time to time, through the Health officer, as required by this Board, the condition of said pound, and what repairs, if any, are needed; and the number and description of the animals therein impounded, and what disposition has been made of the same; and to report all moneys received by him under the provisions of this ordinance. And it shall be the further duty of said poundmaster to pay over, daily, all moneys received as aforesaid to the Health Officer, taking receipt therefor, and said poundmaster shall give good and sufficient bonds for the proper discharge of his several duties, as herein provided.

Poundmaster and his duties.

Sec. 8. That the poundmaster appointed by this board shall keep a register of all animals taken up by him, with an accurate description of the same, which shall at all times be open to the inspection of the public; and the said poundmaster is hereby forbidden to deliver any animal taken up and impounded to any person applying for the same, unless such person shall present good and sufficient evidence of his ownership or right to the possession of said animal;

Pound keeper to keep record; to deliver animals on evidence of ownership.

And no sale of any animal or animals impounded as aforesaid shall be made until due public notice by advertisement in at least one newspaper of such sale shall have been given, together with a description of the animal or animals to be sold, as hereinbefore provided.

Sale of animals to be only after notice.

Sec. 9. That any ordinance or part of an ordinance heretofore passed by the Board of Health of the District of Columbia, inconsistent with the foregoing, be, and the same is hereby, repealed.

Repeal.

AN ORDINANCE

1888, Oct. 12, ch. 1090, post, p. 637.

To prevent the sale of unwholesome food in the cities of Washington and Georgetown.

Be it ordained, &c., That no person shall knowingly sell, or cause to be sold within the cities of Washington or Georgetown, any impure, diseased, decayed, or unwholesome provisions, nor shall any person fraudulently adulterate, for the purpose of sale within said cities, any bread or other material intended to be used for food with any substance of a poisonous character, or any substance injurious to health; and any person violating the provisions of this section shall, upon conviction thereof, be punished by a fine of not less than ten nor more than fifty dollars for each and every such offense.

Unwholesome food; penalty for sale of.

Sec. 2. That no person shall offer for sale within the cities of Washington or Georgetown any liquor used for drink, whether malt, vinous, or ardent, or the milk of cows or goats, intended to be used for food or drink, which has been adulterated with any poisonous or deleterious ingredient; and any person violating the provisions of this section shall, upon conviction, be punished by a fine of not less than ten nor more than fifty dollars for each and every such offense.

Adulterated food or drink.

Sec. 3. That no person shall convey into the cities of Washington or Georgetown, and offer for sale in any part of said cities, any animal or part of animal that may be sickly, diseased, or unwholesome, or which may have died from disease or accident, or any fish or vegetables not fresh, sound, and fit for food; and any person violating the provisions of this section shall, upon conviction thereof, be punished by a fine of not less than five nor more than twenty-five dollars for each and every such offense.

Sickly or unwholesome animals. 1884, May 29, ch. 60, § 8, post, p. 437.

Sec. 4. That no person shall slaughter any cattle for the purpose of sale as food within the cities of Washington and Georgetown when such cattle are in a feverish or diseased condition; and any person violating the provisions of this section shall, upon conviction thereof, be punished by a fine of not less than five nor more than twenty-five dollars for each and every such offense.

Slaughtering diseased cattle.

Sec. 5. That no person, whether owner, manager, keeper of, or agent, bar-tender, or clerk, in any saloon, restaurant, dining-house, or eating-house, located within the cities of Washington or Georgetown, shall offer for sale as food or drink anything poisonous or unwholesome; and any person violating the provisions of this section shall, upon conviction thereof, be punished by a fine of not less than five nor more than twenty-five dollars for each and every such offense.

Offering for sale poisonous or unwholesome food or drink.

Sec. 6. That no person owning, renting, leasing, or occupying any stall, room, or stand where meats or vegetables are sold for food, within the cities of Washington or Georgetown, shall fail to keep said stall, room, or stand in a cleanly condition; nor shall such person allow said meats or vegetables to become, soiled, poisoned, or infected, or unfit for food, by reason of uncleanly condition of such stall, room, or stand; and any person violating the provisions of this section shall, upon conviction, be punished by a fine of not less than ten nor more than twenty-five dollars for each and every such offense.

Meat and vegetable stalls, &c., to be kept clean, &c.

Sec. 7. That no person shall offer for sale, within the cities of Washington or Georgetown, any unwholesome, watered, or adulterated milk, or swill-milk, or milk from cows kept up and fed on garbage, swill, or other deleterious substance; nor shall any person offer for sale within said cities any butter or cheese made from such unwholesome milk; and any person violating the provisions of this section shall, upon conviction, be punished by a fine of not less than five nor more than twenty dollars for each and every such offense.

Unwholesome milk.

Sec. 8. That on and after the passage of this ordinance it shall be unlawful for any person or persons to sell or expose for sale within the cities of Washington and Georgetown, any unsound, blown, or unwholesome meat, or other article of food, under a penalty of not less than five nor more than twenty-five dollars for each and every such offense.

—meat.

AN ORDINANCE

To provide for the inspection of streets, food, live-stock, fish and other marine products in the cities of Washington and Georgetown, and to define the duties of inspectors and other officers of the Board of Health.

Be it ordained, &c., That there shall be appointed by the Board of Health a health-officer and such inspectors as may be required, who shall be assigned to the several duties of inspection of streets, food, of live-stock, of fish and other marine products, or detailed for the performance of such other duties as may be necessary.

Health-officer and inspectors of streets, food, &c.

Health-officer's duty.

SEC. 2. That it shall be the duty of the health-officer, as he may be directed by this board, to execute or cause to be executed, the ordinances, resolutions, and orders of the board, and generally, according to its instructions, to exercise a practical supervision in respect to inspectors, pound-masters, and the clerical force in his office; and said health-officer shall devote his services to the aforesaid purposes as the board may direct.

Inspector to inspect streets.

SEC. 3. That it shall be the duty of each inspector of streets to visit every part of his district daily, and carefully inspect all streets, alleys, yards, and inclosures, horse and cow stables, privies, slaughter-houses, wharves, and every other place where offensive or deleterious matter may exist, and to report promptly to the health-officer any and all nuisances injurious to health; and the inspectors of streets shall perform such other duties and special inspections as may be directed by the health-officer.

—food.

SEC. 4. That it shall be the duty of each inspector of food to attend the market or markets within his inspection-district every morning, at the time when sales commence, and carefully inspect all meats, fowl, game, and vegetables offered for sale, and condemn, seize, and cause to be removed such as may be diseased, or from any other cause rendered unfit for food. He shall also visit, as early as practicable each day, every green-grocery or other place within his district, where articles of food are kept for sale, and perform his duty of inspection, condemnation, seizure, and removal as hereinbefore prescribed. He shall report his official proceedings daily to the health-officer, and in the performance of his duty shall be under the direction of said officer; and the inspectors of food shall perform such other duties and special instructions as may be directed by the health-officer.

—live-stock.

SEC. 5. That it shall be the duty of the inspector of live-stock to carefully inspect all cattle, hogs, sheep, or other animals intended to be killed and sold for consumption as food in the cities of Washington and Georgetown, and to condemn all such as may be diseased, or from any other cause rendered unfit for food; and it is hereby made the duty of said inspector to brand with the letter "C" all cattle, hogs, sheep, or other animals condemned as aforesaid, and said inspector shall report his official proceedings daily to the health-officer.

—fish.

SEC. 6. That it shall be the duty of the inspector of fish and other marine products to examine and inspect all fish, oysters, clams, lobsters, and other marine products, landing by boat, arriving by rail, or otherwise brought by any person or persons into the cities of Washington and Georgetown; and if upon such inspection, said inspector shall find any of the said marine products to be in an unsound, diseased, or unwholesome condition, it shall be his duty to prohibit their sale; and the said inspector of fish is hereby authorized, empowered, and directed to condemn, seize, and remove any unsound, diseased, or unwholesome fish, oysters, clams, lobsters, crabs, or other marine products which may be offered for sale as food within the cities of Washington and Georgetown.

Powers of fish inspector.

SEC. 7. That in the performance of the duties herein prescribed the inspector of fish shall be, and is hereby, authorized and empowered to board all boats, vessels, steamboats, and cars, and to stop all vehicles believed by him to contain fish or other marine products, for the purpose of enforcing the provisions of this ordinance, and said inspector shall report his official proceedings daily to the health-officer.

Proceedings when meat, &c., is found unwholesome.

SEC. 8. That upon any cattle, meat, birds, fowls, fish or other marine products, vegetables, or other articles of food being found by any inspector or other officer of the Board of Health in a condition which is, in his judgment, unwholesome, and unfit for use as human food, or in a condition or of a quality forbidden by the ordinances of this board, but with respect to the quality and condition of which articles of food said inspector or other officer may be in doubt, he shall forbid the sale thereof, and order that the same be set aside, and shall at once notify the health-officer of such action; and if, upon inspection, the health-officer shall concur in the judgment of the inspector or other officer aforesaid, said health-officer shall prohibit the sale and order the removal of said articles, according to the regulations of the Board of Health; and if the health-officer shall not concur in the judgment of the inspector or other officer aforesaid, the sale of said articles shall be allowed. But if, upon inspection, the health-officer is in doubt as to whether said articles should be condemned or not, then the committee on food-inspections of the Board of Health shall decide whether or not said articles shall be condemned and the sale thereof forbidden: *Provided*, That no article of food, in a decayed or offensive by condition, shall be allowed to remain where found, but the same shall be caused to be removed forthwith by the inspector or officer aforesaid, according to the rules and regulations of the Board of Health.

Penalty for hindering, &c., health officer and inspector.

SEC. 9. That any person who shall molest, hinder, or in any manner prevent said health-officer or any inspector appointed by this board from performing any duty imposed upon him or them by the provisions of this ordinance, shall be punished by a fine of not less than twenty nor more than one hundred dollars for each and every such offense.

AN ORDINANCE

To amend section 10 of the code, so as to read:

Drain-pipes; when declared nuisances, &c.

1881, Jan. 25, ch. 27, post, p. 314.

SECTION 10. *And be it further ordained and enacted*, That drain-pipes, soil-pipes, or passages into sewers, which are of inadequate and insufficient size, or which are not provided with proper sewer-traps, within the District of Columbia, are hereby declared nuisances, injurious to health; and any person or persons, whether owner or tenant (board, department, or corporation officer), using or possessing any drain-pipe, soil-pipe, passage or connection between any sewer and any ground, building, or place of business, who shall fail to make such drain-pipe, soil-pipe, passage or connection of adequate or sufficient size to allow the free and entire passage of all that enters or should enter the same, and provide them with proper sewer-traps; and who shall fail, after notice duly served upon him, to supply such pipes of adequate and sufficient size, and provided with proper sewer-traps, shall be deemed guilty of keeping and maintaining a nuisance, and upon conviction thereof, shall be punished by a fine of not less than five dollars nor more than ten dollars.

[July 30, 1875.]

AN ORDINANCE

To amend ordinance passed May 13, 1873, to read as follows:|

Water-closets; when declared nuisances, &c.

SECTION 1. That all water-closets and privies connected with any house, building, or premises within the District of Columbia, in and upon which people live, or where they do congregate or assemble, or any kind of business is done, kept in an uncleanly and foul condition, and from which offensive smells and noxious gases arise, and all water-closets located within and being a part of any such house or building not provided with proper sewer-traps, so as to prevent the return and escape of noxious gases and offensive odors from any public or private sewer connected therewith, are hereby declared to be nuisances, injurious to health; and any person creating, keeping, and maintaining such nuisance, after due notice served upon him by this board to abate the same within twenty-four hours or within such reasonable time as may be determined by this board, shall, upon conviction thereof, be punished by a fine of not less than five dollars nor more than twenty-five dollars for each and every day such nuisance is allowed to remain unabated.

[July 30, 1875.]

AN ORDINANCE.

To prevent committing or creating nuisances in or about public urinal or urinals located within the cities of Washington and Georgetown.

Be it ordained, &c., That fecal matter deposited in or about any public urinal or urinals located within the cities of Washington or Georgetown, defecating in or about said urinal or urinals, or obstructing the same in any manner or by any means whatever, are hereby declared to be nuisances, injurious to health, and any person convicted of committing or creating either of said nuisances shall be fined not less than ten dollars nor more than fifty dollars for every such offense.

[December] 28, 1876.

Obstructions, &c., to urinals.

RULES AND REGULATIONS IN REGARD TO SMALL-POX.

1890, Dec. 20, ch. 25, post, p. 885.

[Par. 1.] The essential nature of small-pox is to diffuse itself, and, under certain favorable conditions, it is not only communicable from person to person, but capable of being transported to great distances. To prevent the propagation of the specific poison, the following sanitary regulations have been adopted by the Board of Health and approved by the Governor of the District of Columbia:

Small-pox: the disease.

[Par. 2.] Parents and guardians shall cause their children and wards to be vaccinated before they attain the age of two years, and re-vaccinated whenever the Board of Health shall, after five years from the last vaccination, require it.

Vaccination.

The Board of Health hereby orders and requires the vaccination of all the inhabitants in the District of Columbia, and, whenever in their opinion the public health demands it, the re-vaccination of all persons who do not furnish satisfactory evidence that they have been successfully vaccinated or re-vaccinated within five years.

The Board of Health will furnish the means of vaccination to such persons as are unable to pay for the same. For this purpose the physicians to the poor, or their assistants, will be directed to vaccinate the poor gratuitously; and, whenever the exigency requires it, physicians will be employed to go from house to house for the purpose of vaccinating all people who need vaccination.

Principals of incorporated manufacturing companies, superintendents of almshouses, reform and industrial schools, lunatic-hospitals, and of all other charities where the poor and sick are received; masters of houses of correction, jailers, keepers of prisons, and directors or officers of all institutions supported or aided by the District of Columbia, shall, at the expense of their respective corporations or institutions, cause all inmates thereof to be vaccinated immediately upon their admission thereto, unless they produce sufficient evidence of previous successful vaccination having taken place within five years.

[Par. 3.] Small-pox being eminently contagious and infectious, isolation forms an imperative necessity for the prevention of its propagation. Whenever, therefore, a case of small-pox occurs in a dwelling containing more than two inhabitants, it shall be the duty of the head of the family to select the most remote apartment of the occupancy of the person afflicted with small-pox—the highest room in the dwelling to be preferred.

Isolation.

And whenever, in a tenement-house and lodging-house, boarding-house, or hotel, the person afflicted by the small-pox cannot be isolated to the satisfaction of the health-officer, said person shall be removed to the small-pox hospital by agents employed for the purpose by the Board of Health.

[Par. 4.] Wherever a case of small-pox breaks out in any dwelling or place, the warning-flag (made of yellow flannel) shall be attached to, and exposed from, the premises occupied by said case, as a warning to the passer-by of the presence of small-pox in that locality. And if the yellow flag be not immediately attainable, a placard, on which is written, in large and legible letters, "Small-pox here," shall be fastened upon an exposed part of the infected house or dwelling.

Warning-signs.

[Par. 5.] It shall be the duty of those in whose dwellings small-pox occurs to fumigate the house, and the room of the patient, with sulphur three times a day; to cleanse and disinfect every part of the dwelling by the free use of chlorinated soda, carbolic acid, bromo chloralum, or such other disinfectant as the Board of Health may direct.

Disinfection.

A cloth of the size of a square yard, steeped in a solution of chlorinated soda, carbolic acid, or bromo chloralum, shall be hung in the patient's room and kept constantly saturated with the said disinfectants

Care of sick-room.

[Par. 6.] The room of the patient shall be kept thoroughly ventilated, and no other person than a nurse who has had the small-pox, or a member of the family, shall be allowed to enter the same. Persons being in attendance upon the sick shall not come in contact with other inmates or persons, unless they have been previously properly fumigated and disinfected, and have changed the clothing worn by them while in the sick-room.

It shall be the duty of said attendants to see that no clothing is conveyed from the sick-room that has not been previously disinfected and fumigated. And, moreover, all clothing in said room, or worn by the patient while affected by small-pox, shall be kept distinct and separate, and shall be given out to be washed only to persons who have had the small-pox, the fact to be stated in every instance that they are from a small-pox patient, and must, therefore, be kept and washed separately.

[Par. 7.] It is the duty of every good citizen immediately to notify the Board of Health of every case of small-pox coming to his knowledge. But it is especially enjoined by law upon the proprietors of tenement-houses, lodging-houses, boarding-houses, and hotels, to notify the Board of Health of the presence of small-pox in their respective abodes, under penalty of fine and imprisonment, and this law against all persons concerned will be strictly enforced.

Notice to Board of Health.

[Par. 8.] It shall be the duty of the citizen to immediately notify the Board of Health of the death of any person from small-pox, of which he may have knowledge, and no one except such as may have had the small-pox, and the officers of the Board of Health assigned to that duty shall take charge of, dress, or bury, the body of the person who has thus died.

Interments.

The interment of persons dying from small-pox shall take place within six hours after death, or as soon as the circumstances of the case will allow; and no person who has died of small-pox shall be buried in private or public cemeteries or burying-grounds without a permit from the Board of Health, a member of the same, or the health-officer.

Whenever funeral obsequies may be desired, the body shall be placed in a hermetically-sealed metal coffin, and no person will be allowed to be present at said obsequies or follow the corpse to the grave except the nearest kin-relations; and under no circumstances shall a corpse infected with small-pox be taken to a church or meeting-house, but it shall be conveyed directly from the house to the grave.

When people are so poor as to be unable to incur the expense of coffin and burial, any undertaker appointed to furnish coffins to the poor shall provide the coffin, and in every case shall take the same to the house in which the corpse lies, but shall not place said corpse in the coffin, or take any part in laying out the dead, unless he has had the small-pox, and properly fumigated and disinfected his clothing. The laying-out of the body and the burial shall be done by the officers appointed for that purpose by the Board of Health.

[Par. 9.] The small-pox ambulances shall be kept at the small-pox hospital.

The ambulance shall be accompanied by an inspector whenever needed for the removal of small-pox patients or otherwise.

Small-pox ambulances, inspectors, and drivers.

The inspector accompanying the ambulance and the driver are forbidden from entering street-cars or any public conveyance.

They shall also keep a suit of clothing to wear during the service of removing small-pox patients; said suit of clothing to be kept fumigated and disinfected at all times, and under no circumstances shall they wear the said clothing when off duty.

The inspector attending to small-pox patients and the driver of the ambulance shall, until otherwise ordered, wear a linen suit while on duty.

The inspector detailed to attend to the removal of small-pox patients shall fumigate and disinfect the dwellings where small-pox cases occur. He shall see that the clothing is properly disinfected, packed up, carried safely to the almshouse, and destroyed. He shall keep an account of the clothes or furniture of poor persons which have been destroyed, the probable value of the same, and the names of the parties to whom they belong, and give a receipt for the same.

Under no circumstances shall the ambulance be allowed to tarry in the streets, except for such length of time as will be required to remove the patient or the body.

The ambulance shall not be taken to any place for repair; but, if repair is needed, a person having had the small-pox shall be engaged to mend it *at its regular depository*.

In driving the ambulance to any point, care shall be taken to avoid crowded streets, school-houses, or frequented places. The driver shall, as far as practicable, keep out of crowded thoroughfares, and shall avoid meeting or passing any procession, funeral, or large concourse of people.

The inspector shall display the yellow flag from every dwelling containing small-pox; and if said flag be taken away without authority, the health-officer must be immediately notified of the fact.

The inspector of each district shall be notified of the presence and locality of small-pox cases in his district; and it shall be his duty to see that the quarantine regulations relating to houses having the small-pox within are properly enforced, and that no person exposed to the contagion be allowed to go out of the dwelling or come in contact with any other person.

The inspector shall, in an urbane manner, inform the people of the quarantine regulations imposed by the Board of Health regarding small-pox, but shall cause no unnecessary hardship.

The inspector detailed to attend to the small-pox shall first ascertain whether the case can be isolated in the dwelling, so as not to expose the other inmates to the disease.

Whenever a patient in a tenement, lodging-house, boarding-house or hotel is so situated that he cannot be isolated from other inmates, he or she shall be removed and taken to the hospital; and if any person interferes with the execution of this order, or the patient refuses to obey, the law shall be enforced against such person or persons.

If it come to the knowledge of any inspector that cases of small-pox are kept in tenement-houses, lodging-houses, boarding-houses, or hotels without the proper notice having been given to the Board of Health as required by law, the inspector shall make immediate report to the Health-officer, stating the name of the person or persons causing or abetting in the violation of this law.

In all cases where there is doubt whether a person is really afflicted with small-pox, a physician's opinion should be secured before removing the patient.

The inspector shall see that the rules regarding the interment of persons who die of small-pox be complied with.

Promulgation.

The foregoing rules and regulations are made and promulgated by the Board of Health of the District of Columbia, in accordance with an act entitled "An act for the prevention of diseases in the District of Columbia," passed by the legislative assembly of said District, and approved by the governor thereof, June 19, 1872

Physicians attending small-pox patients.

It shall be the duty of every physician resident of the District of Columbia, or otherwise, attending upon any person affected by small-pox within said District, to report to the Board of Health said case of small-pox within twelve hours after his first visit and discovery of the disease of said person; the name and residence of said person; and whether the room or residence in which said person may be situated and attended has been and is fumigated and disinfected according to the "rules and regulations" aforesaid.

Regulations to prevent the spread of small-pox.

All school trustees, school teachers, or others having authority, are forbidden to receive into or allow to attend any school, public or private, within the District of Columbia, any pupil not vaccinated, as required by the "rules and regulations" heretofore made and promulgated by this board.

[February 14, 1873.]

1874, June 23, ch. 490, *ante*, p. 55.

REGULATIONS

To secure a full and correct record of vital statistics, including the registration of marriages, births and deaths, the interment, disinterment, and removal of the dead in the District of Columbia.

Registrar of vital statistics.

First. It is hereby ordered by the Board of Health of the District of Columbia, that there shall be elected or appointed from its members, as the board may direct, an officer named and known as the registrar of vital statistics of the District of Columbia, but who may be designated registrar, and who shall, under the direction of said board, keep a full and correct record of vital statistics, issue such permits as are hereinafter required, make and publish a weekly statement of births, marriages, and deaths in said District, and perform such other duties as are hereinafter provided.

—marriages to be reported to.

Second. That it shall be the duty of every clergyman, magistrate, or other person who shall perform any marriage ceremony within the District of Columbia, to report each marriage ceremony solemnized by him to the registrar aforesaid, within forty-eight hours thereafter, giving the full name, age, color, occupation, birthplace, (State or country,) and legal residence of each person married, and the date of such marriage.

—births of children to be reported to.

Third. That any physician, accoucheur, midwife, or other person in charge who shall attend, assist, or advise at the birth of any child within the District of Columbia, shall report to the registrar aforesaid, within six days thereafter, stating distinctly the date of birth, sex, and color of the child or children born, its or their physical condition, whether still-born or not, the full name, nativity, and residence of the parents, and maiden name of the mother of such child or children.

See below after regulation eleven.

—deaths to be reported to.

Fourth. That whenever any person shall die within the District of Columbia it shall be the duty of the physician attending such person during his or her last sickness, or of the coroner of the District when the case comes under his official notice, to furnish and deliver to the undertaker, or other person superintending the burial of said deceased person, a certificate, duly signed, setting forth, as far as the same may be ascertained, the name, age, color, sex, nativity (giving State or country), occupation, death, (giving street and number), and duration of last sickness of such deceased person. And it shall be the duty of the undertaker, or other person in charge of the burial of such deceased person, to state in said certificate the date and place of burial, and having signed the same, to forward it to the registrar aforesaid within twenty-four hours after such death: *Provided,* That in case of death from any infectious or contagious disease said certificate shall be so made and forwarded within eight hours thereafter.

Interments or disinterments not to take place without permit, &c.

Fifth. That no interment or disinterment of the dead body of any human being, or disposition thereof in any tomb, vault, or cemetery shall be made within the District of Columbia without a permit therefor, granted by the Board of Health of said District, nor otherwise than in accordance therewith. And no sexton or other person shall assist in or assent to, or allow any such interment or disinterment to be made until such permit has been given, as aforesaid; and it shall be the duty of every person who shall receive any such permit, to preserve and return the same to the registrar aforesaid, before 6 o'clock p. m. of the Saturday following the day of burial; and no sexton, undertaker, or other per-

son shall bury, or cause to be buried, the body of any deceased person within the District of Columbia, except in such grounds as are now known and used as burial-grounds, or such as shall hereafter be by law designated and authorized to be used as such.

Sixth. That no dead body, or part of the dead body of any human being shall be in any manner carried or conveyed from, in, to, or through the District of Columbia, by any person, or by means of any boat, vessel, car, stage, or other vehicle, or by public or private conveyance, without a permit therefor first granted by the Board of Health of said District; and when the remains of any deceased person are to be conveyed, transferred, or removed beyond the limits of the District of Columbia, it shall be the duty of the person, or agent or officer of the corporation having charge of the conveyance, transfer, or removal, to detach, sign, and return the coupon attached to said permit to the registrar of vital statistics of the Board of Health aforesaid, before 5 o'clock p. m. of the Saturday following the conveyance, transfer, or removal of said remains; *Provided*, That the same effect may be given by said board to a burial or transit permit issued by the proper authority of any other place or jurisdiction, when the death of the person named in the permit shall have occurred within such place or jurisdiction.

Seventh. That whenever a permit for burial is applied for, in case of death without the attendance of a physician, or if it be impossible to obtain a physician's certificate, it shall be the duty of the health-officer to investigate the cause and circumstances of such death, to make and sign the certificate required by section 4 of these regulations, and if not satisfied as to the cause and circumstances of such death, he shall so report to the Board of Health, who shall refer the case to the coroner of the District for investigation and report, and said coroner is hereby required to make such investigation and report.

Eighth. That it shall be the duty of every physician, accoucheur, midwife, undertaker, sexton or superintendent of any cemetery, or other person having charge of the same, practicing medicine or doing business within the District of Columbia, to register his or her name in a book or books to be provided for such purpose, at the office of the Board of Health of said District, giving full name, residence, and place of business, and in case of removal from one place to another in said District, to make change in said register accordingly.

Ninth. That any person who shall violate, or aid and abet in violating, any of the provisions of the foregoing regulations, shall, upon conviction thereof by competent judicial authority, be punished by a fine of not less than twenty-five nor more than two hundred dollars for each and every such offense.

Tenth. That all rules, regulations, and ordinances heretofore passed by this Board inconsistent with the provisions of these regulations be, and the same are hereby, repealed.

Eleventh. That these regulations shall take effect and be in force on and after the first day of August, A. D. 1874.

[First.] It is hereby ordered that physicians required to register their names under the 8th regulation of the board, to secure a full and correct record of vital statistics, do so upon a license received from some chartered medical society or upon a diploma received from some medical school or institution.

[Second.] That the expression "physical condition," as employed in the statute heretofore enacted by the legislative assembly of the District, and incorporated in the 3d regulation, be defined as follows: "The general physical condition, whether healthy or unhealthy." But in no case will the board require in the enforcement of this rule that sick-bed or confidential communications made to physicians be revealed in the report required by this 3d regulation.

[Third.] That on and after the 15th day of next month, by which time all physicians of the city may have registered according to the requirements of the board, the regulation with regard to penalties be rigidly enforced; and that up to that date the regulation with regard thereto, as far as any violations thereof have occurred, and as far as this board is concerned, as prosecutors, the same be not enforced.

[August 28, 1874.]

NUMBER 31.—Joint resolution authorizing the Public Printer to print additional copies of bills and other public documents.

May 8, 1880.

21 Stat. L., 306.

Resolved, &c., That the Public Printer be and he is hereby directed to furnish to all applicants copies of bills and reports and other public documents hereafter printed by order of Congress and distributed from the Document Rooms of the Senate and House on said applicants paying the cost of such printing with ten per centum added, and giving the notice required by section thirty-eight hundred and nine of Title forty-five of the Revised Statutes. [May 8, 1880.]

Public documents to be furnished at cost, &c.
R. S., § 8309.

NUMBER 44.—Joint resolution to provide for the publication and distribution of a supplement to the Revised Statutes. (1)

June 7, 1880.

21 Stat. L., 306.

Resolved, &c., That the Supplement to the Revised Statutes, embracing the statutes general and permanent in their nature passed after the Revised Statutes with references connecting provisions on the same subject, explanatory notes, citations of judicial decisions, and a general index, prepared by William A. Richardson, be stereotyped at the Government Printing Office; and the index and plates

Supplement to Revised Statutes to be prepared and published.

1890, April 9, ch. 73, post, p. 712.

NOTE.—(1) Under this Resolution a Supplement was published in 1881, entitled Volume 1. It was then supposed that other volumes might follow as subsequent legislation should require.

But the act of 1890, April 3, ch. 73, post, p. 712, provided for a continuation of the publication to be issued in one volume, embracing the general laws passed after the Revised Statutes and including those of the 47th, 48th, 49th, 50th, and 51st Congresses. By authority of that act this volume is published. It practically supersedes Volume 1, as the general laws now in force therein contained are embraced in the present publication.

Dead bodies not to be carried through District without permit.

Health-officer to investigate cause of death in certain cases.

Physicians, midwives, sextons, &c., to register their names.

See below.

Penalties.

Repeal.

When takes effect.

Registered physicians to be graduates of medical schools.

Meaning of term "physical condition."

Enforcement of regulations.

thereof and all right and title therein and thereto shall be in and fully belong to the government for its exclusive use and benefit.

Supplement to Revised Statutes; distribution of.

1878, May 23, Res. No. 22, *ante*, p. 204.

1878, Dec. 21, Res. No. 1, *ante*, p. 261.

—to be kept for sale.

That six thousand three hundred and fifty-seven copies be printed, bound, and distributed as provided for the distribution of the Revised Statutes by the "Joint resolution providing for the distribution and sale of the new edition of the Revised Statutes of the United States", passed May twenty-second, eighteen hundred and seventy-eight, and joint resolution passed December twenty-first, eighteen hundred and seventy-eight, and such additional copies, on the order of the Secretary of State, as may be necessary from time to time, to be kept for sale in the same manner and on like terms as the Revised Statutes are required to be kept for sale, and to supply deficiencies and offices newly created; that for preparing and editing said supplement, including indexing and all clerical work necessary to fully complete said work, including the legislation of the Forty-sixth Congress, there shall be paid to said editor the sum of five thousand dollars;

—distribution to members of Forty-sixth Congress.

And each Senator and Member of the present Congress who would not receive copies under said joint resolutions shall receive the same number of copies as other Senators or Members receive under the same.

—to be *prima facie* evidence.

The publication herein authorized shall be taken to be *prima facie* evidence of the laws therein contained in all the courts of the United States and of the several States and Territories therein; but shall not preclude reference to, nor control, in case of any discrepancy, the effect of any original act as passed by Congress: *Provided*, That nothing herein contained shall be construed to change or alter any existing law. [June 7, 1880.]

FORTY-SIXTH CONGRESS—THIRD SESSION

IN

THE YEARS 1880-1881.

CHAP. 2.—An act to amend section twenty-two hundred and thirty-eight of the Revised Statutes in relation to fees for final certificates in donation cases.

Dec. 17, 1880.

21 Stat. L., 311.

Be it enacted, &c., That the sixth paragraph of section twenty-two hundred and thirty-eight of the Revised Statutes of the United States be, and the same is hereby, repealed, and that in lieu thereof the following paragraph be substituted:

Fees of registers and receivers for final land certificates in donation cases.

“A fee in donation cases of two dollars and fifty cents for each final certificate for one hundred and sixty acres of land, five dollars for three hundred and twenty acres, and seven dollars and fifty cents for six hundred and forty acres.” [December 17, 1880.]

R. S., §§ 2238, par. 6.

CHAP. 7.—An act amending section eighteen hundred and fifty-two of the Revised Statutes of the United States.

Dec. 23, 1880.

21 Stat. L., 312.

Be it enacted, &c., That section eighteen hundred and fifty-two be, and the same hereby is, so amended as to read as follows:

Sessions of Territorial legislatures limited.

“SEC. 1852. The sessions of the legislative assemblies of the several Territories of the United States shall be limited to sixty days' duration.” [December 23, 1880.]

Substitute for R. S., § 1852. 1874, June 22, ch. 888, par. 1, ante, p. 81.

CHAP. 19.—An act for the relief of certain settlers on restored railroad lands.

Jan. 13, 1881.

21 Stat. L., 315.

Be it enacted, &c., That all persons who shall have settled and made valuable and permanent improvements upon any odd numbered section of land within any railroad withdrawal in good faith and with the permission or license of the railroad company for whose benefit the same shall have been made, and with the expectation of purchasing of such company the land so settled upon, which land so settled upon and improved, may, for any cause, be restored to the public domain, and who, at the time of such restoration, may not be entitled to enter and acquire title to such land under the pre-emption, homestead, or timber-culture acts of the United States, shall be permitted, at any time within three months after such restoration, and under such rules and regulations as the Commissioner of the General Land Office may prescribe, to purchase not to exceed one hundred and sixty acres in extent of the same by legal sub-divisions, at the price of two dollars and fifty cents per acre, and to receive patents therefor. [January 13, 1881.]

Settlers on railroad lands restored to public domain permitted to purchase same within limited time.

1887, March 3, ch. 376, § 4, post, p. 565.

1890, Sept. 27, ch. 1040, §§ 2, 3, post, p. 808.

1891, Feb. 18, ch. 244; March 3, ch. 561, §§ 1, 4; post, pp. 894, 940, 942.

Jan. 20, 1881.

CHAP. 24.—An act relating to the appointment of professors of mathematics in the Navy.

21 Stat. L., 317.

Professors of mathematics in Navy to pass examinations before appointment.

R. S., § 1400.

Be it enacted, &c., That hereafter no person shall be appointed a professor of mathematics in the Navy until he shall have passed a physical examination before a board of naval surgeons, and a professional examination before a board of professors of mathematics in the Navy, to be convened for that purpose by the Secretary of the Navy, and received a favorable report from said boards. [January 20, 1881.]

Jan. 21, 1881.

CHAP. 25.—An act to regulate the award of and compensation for public advertising in the District of Columbia.

21 Stat. L., 317.

District of Columbia, public advertising in, &c.

R. S., §§ 3826-3828. 1876, July 31, ch. 246, par. 2, *post*, p. 114. 1878, June 20, ch. 359, pars. 4, 5, *post*, p. 202.

Be it enacted, &c., That all advertising required by existing laws to be done in the District of Columbia by any of the departments of the government shall be given to one daily and one weekly newspaper of each of the two principal political parties and to one daily and one weekly neutral newspaper :

Provided, That the rates of compensation for such service shall in no case exceed the regular commercial rate of the newspapers selected ; nor shall any advertisement be paid for unless published in accordance with section thirty-eight hundred and twenty-eight of the Revised Statutes.

Repeal.

SEC. 2. All laws or parts of laws inconsistent herewith are hereby repealed. [January 21, 1881.]

Jan. 25, 1881.

CHAP. 27.—An act authorizing the employment of an inspector of plumbing in and for the District of Columbia, and for other purposes.

21 Stat. L., 318.

In Dist. Col., inspector of plumbing.

Health office to enforce plumbing regulations.

1878, June 11, ch. 180, § 8, *ante*, p. 179. 1890, April —penalty for violation of.

Be it enacted, &c., That there shall be appointed by the Commissioners of the District of Columbia an inspector of plumbing for said District, whose duty it shall be, to inspect all houses in course of erection, and pass upon the plumbing and sewerage of said houses.

And the health officer of the District of Columbia is hereby authorized, under direction of the Commissioners, to execute and enforce regulations governing plumbing, house drainage, and the ventilation of house sewers ;

24. Res. No. 25, § 2, pars. 1, 4, 5, *ante*, pp. 304, 308.

And any person who shall neglect or refuse to comply with the requirements of the said regulations when promulgated shall be punishable by a fine of from twenty-five to two hundred dollars for each and every such offense, or in default of payment of fine to imprisonment for thirty days. [January 25, 1881.]

Jan. 28, 1881.

CHAP. 29.—An act to amend section five hundred and fifty-three of the Revised Statutes relating to the District of Columbia.

21 Stat. L., 321.

In District of Columbia, telephone companies may be formed.

Substitute for R. S. of D. C., § 553.

1876, June 30, ch. 156, *ante*, p. 109. 1882, May 17, ch. 157, *post*, p. 343.

Be it enacted, &c., That section five hundred and fifty-three of the Revised Statutes relating to the District of Columbia be, and is hereby, amended by inserting the word " telephone " after the word " transportation ", so as to read as follows :

" SEC. 553. Any three or more persons who desire to form a company for the purpose of carrying on any kind of manufacturing, agricultural, mining, mechanical, insurance, mercantile, transportation, telephone, or marketing business, in the District, or savings bank therein, may make, sign, and acknowledge, before some officer competent to take the acknowledgment of deeds, and file in the office of recorder of deeds, a certificate in writing, in which shall be stated", [January 28, 1881.]

CHAP. 33.—An act to establish an assay-office in the city of Saint Louis Missouri.

Feb. 1, 1881.

Be it enacted, &c., That the Secretary of the Treasury is hereby authorized and required to establish an assay-office at Saint Louis, in the State of Missouri; the said office to be conducted under the provisions of (1) an act entitled "An act revising and amending the laws relative to the mints, assay-offices, and coinage of the United States," approved February twelfth, eighteen hundred and seventy-three.

21 Stat. L., 322.
Assay-office established at Saint Louis, Mo.,
R. S., §§ 343-345, 3495.

SEC. 2. That the Secretary of the Treasury is hereby authorized and directed to set apart sufficient room for said assay-office in the government building in Saint Louis, now issued for a post-office and custom-house, and provide the same with the necessary fixtures and apparatus, at a cost not exceeding ten thousand dollars, which sum is hereby appropriated out of any money in the Treasury not otherwise appropriated. [*February 1, 1881.*]

—to be provided for in post-office building.

NOTE.—(1) The provisions of the act of 1873, ch. 131, (17 Stat. L., 424), here referred to, are incorporated into Revised Statutes in the sections noted in the margin.

CHAP. 34.—An act to amend the law relative to the seizure and forfeiture of vessels for breach of the revenue laws.

Feb. 8, 1881.

Be it enacted, &c., That no vessel used by any person or corporation, as common carriers, in the transaction of their business as such common carriers, shall be subject to seizure or forfeiture by force of the provisions of title thirty-four of the Revised Statutes of the United States unless it shall appear that the owner or master of such vessel, at the time of the alleged illegal act, was a consenting party or privy thereto. [*February 8, 1881.*]

21 Stat. L., 321.

Vessels not subject to forfeiture, &c., for violation of revenue laws, when.
R. S., §§ 2868, 3049, 3063, 3068, 3101, 3104, 3106, 3109, 3111, 3114, *post*, pp. 860, 861, 30 Fed. Rep., 79.

3115. 1890, Oct. 1, ch. 1244, §§ 18, 19, *post*, pp. 860, 861, 9 Fed. Rep., 322. 15 Fed. Rep., 382.

CHAP. 35.—An act to provide for the furnishing of certain public documents to (1) Soldiers' Homes.

Feb. 8, 1881.

21 Stat. L., 322.

Be it enacted, &c., That section forty-eight hundred and thirty-seven of the Revised Statutes of the United States be, and the same is hereby, repealed and re-enacted to read as follows:

Public documents to be sent to the several Homes for disabled volunteers.

R. S., § 4837.

"The Secretary of the Senate and the Clerk of the House of Representatives shall cause to be sent to the National Home for Disabled Volunteer Soldiers at Dayton, in Ohio, and to the branches at Augusta, in Maine, Milwaukee, in Wisconsin, Hampton, in Virginia, and the Soldiers' Home at Knightstown Springs, near Knightstown, in Indiana, each, one copy of each of the following documents: The journals of each House of Congress at each and every session; all laws of Congress; the annual messages of the President, with accompanying documents; the daily (2) Congressional Record, and all other documents or books which may be printed and bound by order of either House of Congress;

—to be furnished by Public Printer.

And the Public Printer is hereby authorized and directed to furnish to the Secretary of the Senate and the Clerk of the House of Representatives the documents referred to in this section." [*February 8, 1881.*]

NOTES.—(1) For acts relating to National soldiers' homes, see note (1) to 1875, March 3, ch. 129, par. 6, *ante*, p. 71.

(2) For distribution of Congressional Record, see note to 1874, June 20, Res. No. 12, *ante*, p. 56, and 1884, March 31, ch. 18, *post*, p. 424.

Feb. 17, 1881.

21 Stat. L., 325.

CHAP. 60.—An act to amend and re-enact sections twenty-five hundred and seventeen and twenty-five hundred and eighteen of the Revised Statutes and changing the boundaries of a customs-district in the State of Maine.

Maine customs districts.

1875, March 3, ch. 146, *ante*, p. 89.
1878, June 20, ch. 366, *ante*, p. 203.
1886, May 17, ch. 339, *post*, p. 491.

Aroostook district; what to comprise.

Substitute for
R. S., § 2517,
par. 1.

Bangor district; what to comprise.

Substitute for
R. S., § 2517,
par. 6.

—collector and deputy collectors in.

Substitute for
R. S., § 2518,
par. 6.

Be it enacted, &c., That section twenty-five hundred and seventeen of the Revised Statutes of the United States be amended by inserting after the word "sixty-nine," in the third line of the first clause of said section, the following words :

"Excepting those towns, plantations, and townships lying on the line of the European and North American Railway," so that said clause, as amended, shall read as follows :

"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, excepting those towns, plantations, and townships lying on the line of the European and North American Railway, in which Houlton shall be the only port of entry."

Also, that said section twenty-five hundred and seventeen be further amended by inserting after the word "forty-seven," in the fourth line of the sixth clause thereof the following words :

"And the several towns, plantations, and townships in the counties of Aroostook and Washington lying on the line of the European and North American Railway," so that said clause, as amended, shall read as follows :

"Sixth. The district of Bangor, to comprise the counties of Penobscot and Piscataquis and the town of Frankfort, in the county of Waldo, as bounded on the third day of March, eighteen hundred and forty-seven, and the several towns, plantations, and townships in the counties of Aroostook and Washington lying on the line of the European and North American Railway, in which Bangor shall be the port of entry and delivery, and Frankfort and Hampden ports of delivery."

SEC. 2. That the sixth clause of section twenty-five hundred and eighteen of the Revised Statutes be amended so as to read as follows :

"Sixth. In the district of Bangor, a collector, who shall reside at Bangor; a deputy collector, who shall reside at Frankfort; and a deputy collector, who shall reside at Vanceboro." [*February 17, 1881.*]

Feb. 18, 1881.

21 Stat. L., 326.

CHAP. 61.—An act to grant lands to Dakota, Montana, Arizona, Idaho, and Wyoming for university purposes.

Lands to Dakota, Montana, Arizona, Idaho, and Wyoming for universities.

1888, Aug. 9, ch. 819, § 3, *post*, p. 609.

1886, Feb. 22, ch. 180, § 14, *post*, p. 647.
1890, July 3, ch. 656, § 8; July 10, ch. 664, § 8; *post*, pp. 765, 769.

—to be sold only at auction, and not below appraisal.

—proceeds; how invested.

—tenth only to be sold annually.

—use of money derived from.

Be it enacted, &c., That there be, and are hereby, granted to the Territories of Dakota, Montana, Arizona, Idaho, and Wyoming respectively, seventy-two entire sections of the unappropriated public lands within each of said Territories, to be immediately selected and withdrawn from sale and located under the direction of the Secretary of the Interior, and with the approval of the President of the United States, for the use and support of a university in each of said Territories when they shall be admitted as States into the Union :

Provided, That none of said lands shall be sold except at public auction, and after appraisement by a board of commissioners, to be appointed by the Secretary of the Interior: *Provided further*, That none of said lands shall be sold at less than the appraised value, and in no case at less than (1) two dollars and fifty cents per acre:

Provided, That the funds derived from the sale of said lands shall be invested in the bonds of the United States and deposited with the Treasurer of the United States; that no more than one-tenth of said lands shall be offered for sale in any one year;

That the money derived from the sale of said lands, invested and

NOTE.—(1) As to price, see acts noted in margin.

deposited as hereinbefore set forth, shall constitute a university fund; that no part of said fund shall be expended for university buildings, or the salary of professors or teachers, until the same shall amount to fifty thousand dollars, and then only shall the interest on said fund be used for either of the foregoing purposes until the said fund shall amount to one hundred thousand dollars, when any excess, and the interest thereof, may be used for the proper establishment and support respectively of said universities. [February 18, 1881.]

CHAP. 71.—An act to provide for the removal of the terms of the United States circuit and district courts now held at Exeter, for and within the district of New Hampshire, to the city of Concord.

Feb. 23, 1881.

21 Stat. L., 330.

Be it enacted, &c., That the terms of the United States circuit and district courts now held at Exeter, for and within the district of New Hampshire, be, and the same hereafter shall be held at Concord in said district. [February 23, 1881.]

Courts to be held at Concord, N. H., instead of Exeter. R. S., §§ 572, 658.

CHAP. 73.—An act making appropriations for the naval service for the fiscal year ending June thirtieth, eighteen hundred and eighty-two, and for other purposes.

Feb. 23, 1881.

21 Stat. L., 331.

Be it enacted, &c., That the following sums be, and they are hereby, appropriated, to be paid out of any money in the Treasury not otherwise appropriated, for the naval service of the Government for the year ending June thirtieth, eighteen hundred and eighty-two, and for other purposes (1):

Estimates for naval appropriations, how to be made up.

1884, July 7, ch. 334, § 2, par. 2, *post*, 43, § 3, *post*, p. 473.
— for active list of officers.

p. 470. 1885, Jan. 30, ch.

For the pay of the Navy, for the active list, namely: For one Admiral, one Vice-Admiral, twelve rear-admirals, eight chiefs of bureau (commodores), twenty-four commodores, forty-seven captains, ninety commanders, eighty lieutenant-commanders, two hundred and eighty lieutenants, one hundred and one masters, ninety-five ensigns, seventy-five midshipmen, fifteen medical directors, fourteen medical inspectors, fifty surgeons, seventy-three passed assistant surgeons, sixteen assistant surgeons, twelve pay-directors, thirteen pay-inspectors, fifty paymasters, thirty-one passed assistant paymasters, twenty assistant paymasters, sixty-nine chief engineers, ninety-six passed assistant engineers, forty-two assistant engineers, fifty-four cadet-engineers (graduates), twenty-four chaplains, eleven professors of mathematics, ten naval constructors, five assistant naval constructors, ten civil engineers, two hundred and four warrant-officers, forty-one mates, two hundred and sixty-eight cadet-midshipmen (on probation), one hundred and five cadet-engineers, and one hundred and three cadet-midshipmen (not graduates); in all, three million nine hundred and one thousand one hundred dollars.

For pay of the retired-list, namely: For forty-one rear-admirals, twenty-one commodores, eighteen captains, seventeen commanders, fourteen lieutenant-commanders, eight lieutenants, eleven masters, five ensigns, two midshipmen, twenty-two medical directors, one medical inspector, two surgeons, five passed assistant surgeons, eight assistant surgeons, nine pay-directors, one pay-inspector, three paymasters, two passed assistant paymasters, two assistant paymasters, seven chief engineers, nineteen passed assistant engineers, twenty-five assistant engineers, seven chaplains, six professors of mathematics, three naval constructors, eight boatswains, four gunners, thirteen carpenters, and eleven sailmakers; in all, six hundred and eighty-seven thousand five hundred and fifty dollars.

— for retired list of officers.

For pay to petty-officers, seamen, ordinary seamen, landsmen, and boys, including men in the engineers' force, and for the Coast Survey service, not exceeding eight thousand two hundred and fifty in all, two million four hundred and ninety thousand dollars.

— for petty officers and men.

For two secretaries, one to the Admiral and one to the Vice-Admiral, clerks to fleet-paymasters, paymasters of vessels, clerks at inspections, navy-yards, and stations, and extra pay to men enlisted under honorable discharge; commission and interest, transportation of funds, exchange and mileage, and for the payment of any such officers as may be in service either upon the active or retired list, during the year ending June thirtieth, eighteen hundred and eighty-two, in excess of the numbers for each class provided for in this act, and for any increase of pay arising

— for secretaries, clerks, paymasters, extra pay, exchange, mileage, &c.

NOTE.—(1) This paragraph, except the last three lines, is a mere temporary appropriation, but it is all retained because necessary to explain the last three lines.

from different duty, as the needs of the service may require, four hundred and eighty-six thousand seven hundred and twenty-five dollars; * *

Classification in book of estimates.

R. S., §§ 429, 3660, 3666. 1875,

Boys between ages of 14 and 18 enlisted in Navy with consent of parents, &c.

R. S., §§ 1418-1420, 1624, Art. 9. 1879, May 12, ch. 5, ante, p. 263.

And hereafter the estimates for pay of the Navy shall be submitted in the book of estimates in detailed classifications and paragraphs, after the manner above set forth. * *

SEC. 2. That section fourteen hundred and eighteen, fourteen hundred and nineteen, and fourteen hundred and twenty of the Revised Statutes, as heretofore amended relating to enlistment of minors in the naval service, be, and hereby are, amended by striking out the word "fifteen" and inserting in its stead the word "fourteen" [February 23, 1881.]

Feb. 24, 1881.

21 Stat. L., 346.

Issue of forage to officers east of Mississippi River same as elsewhere.

R. S., §§ 1270, 1271. 1878, June 17, ch. 263, § 8, ante, p. 189.

CHAP. 79.—An act making appropriations for the support of the Army for the fiscal year ending June thirtieth, eighteen hundred and eighty-two, and for other purposes.

Be it enacted, &c. * * That there shall be no discrimination in the issue of forage against officers serving east of the Mississippi River, provided they are required by law to be mounted, and actually keep and own their animals. (1) * * [February 24, 1881.]

NOTE.—(1) This paragraph is repeated in 1882, June 30, ch. 254 (22 Stat. L., 119).

Feb. 26, 1881.

21 Stat. L., 352.

Reports of national banks may be sworn to before notary public or other official having a seal.

R. S., § 5211. 107 U. S., 671. 181 U. S., 50. —not an officer of the bank.

CHAP. 82.—An act defining the verification of returns of national banks. (1)

Be it enacted, &c., That the oath or affirmation required by section fifty-two hundred and eleven of the Revised Statutes, verifying the returns made by national banks to the Comptroller of the Currency, when taken before a notary public properly authorized and commissioned by the State in which such notary resides and the bank is located, or any other officer having an official seal, authorized in such State to administer oaths, shall be a sufficient verification as contemplated by said section fifty-two hundred and eleven:

Provided, That the officer administering the oath is not an officer of the bank. [February 26, 1881.]

NOTE.—(1) For acts relating to national banks, see note to 1862, July 12, ch. 290, § 4, post, p. 354.

Feb. 28, 1881.

21 Stat. L., 373.

Chattanooga, Tenn., a port of delivery, with a surveyor, &c.

R. S., §§ 2568, 2569.

CHAP. 91.—An act making the city of Chattanooga, in the State of Tennessee, a port of delivery.

Be it enacted, &c., That the city of Chattanooga, in the State of Tennessee, is hereby made a port of delivery, with a surveyor at a salary of three hundred and fifty dollars per annum and the customary fees.

And the Secretary of the Treasury is hereby directed to carry this act into effect. [February 28, 1881.]

Feb. 28, 1881.

21 Stat. L., 373.

Atlanta, Ga., a port of delivery, with privileges of

CHAP. 92.—An act to constitute Atlanta, Georgia, a port of delivery.

Be it enacted, &c., That Atlanta, in the State of Georgia, be, and is hereby, constituted a port of delivery; and that the privileges of immediate transportation of dutiable merchandise conferred by the

act of June tenth, eighteen hundred and eighty, entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes", be, and the same are hereby, extended to said port;

And there shall be appointed a surveyor of customs to reside at said port, who shall receive a salary to be determined by the Secretary of the Treasury, not exceeding one thousand dollars per annum. [*February 28, 1881.*]

inland transportation in bond, &c.
R. S., § 2559.
1880, June 10, ch. 190, § 7, *ante*, p. 294.

—surveyor at.
R. S., § 2560.

CHAP. 95.—An act to amend section thirty-five hundred and twenty-four of the Revised Statutes so as to authorize a charge for melting or refining bullion when at or above standard.

March 1, 1881.

21 Stat. L., 374.

Be it enacted, &c., That section thirty-five hundred and twenty-four of the Revised Statutes of the United States be amended by striking out of said section the words "for melting and refining when bullion is below standard," and inserting in lieu thereof the words "for melting or refining bullion." [*March 1, 1881.*]

Charge for melting or refining bullion to be fixed by Director of Mint.

R. S., § 3524.

1875, Jan. 14, ch. 15, *ante*, p. 58.

CHAP. 96.—An act making appropriations for the service of the Post-Office Department for the fiscal year ending June thirtieth, eighteen hundred and eighty-two, and for other purposes.

March 1, 1881.

21 Stat. L., 374.

Be it enacted, &c., * * [*Par. 1.*] Hereafter the superintendent of railway mail service and the chief of post-office inspectors shall be paid their actual expenses while travelling on the business of the department. * *

Superintendent of railway mail service, &c. to have traveling expenses.

R. S., §§ 4017, 4020. 1878, June 17, ch. 259, par. 3; 1880, June 11, ch. 206, par. 1, *ante*, pp. 187, 296.

[*Par. 2.*] Hereafter the Postmaster-General shall cause advertisements of all general mail-lettings of each State and Territory to be conspicuously posted in each post-office in the State and Territory embraced in said advertisements for at least sixty days before the time of such general letting; and no other advertisement of such lettings shall be required; but this provision shall not apply to any other than general mail-lettings.

General mail-lettings to be upon advertisements.

R. S., § 3941.

1878, May 17, ch. 107, § 1, *ante*, p. 164.

And whenever it shall become necessary to employ temporary service on any mail route, it shall be the duty of the Postmaster-General to advertise for bids, or proposals, for such service by posting notices in the post offices at the termini of such route and upon a bulletin-board in a public-place in the Post-Office Department building at Washington in the District of Columbia for at least ten days prior to such letting. * *

Temporary mail-service; how advertised.

R. S., § 8941.

[*Par. 3.*] And hereafter when any railroad company fail or refuse to provide railway post-office cars when required by the Post-Office Department, or shall fail or refuse to provide suitable safety-heaters and safety-lamps therefor, with such number of saws and axes to each car for use in case of accident as may be required by the Post-Office Department, said company shall have its pay reduced ten per centum on the rates fixed in section four thousand and two of the Revised Statutes, as amended by act of July twelfth, eighteen hundred and seventy-six, entitled "An act making appropriations for the service of the Post-Office Department for the fiscal year ending June thirtieth, eighteen hundred and seventy-seven, and for other purposes," and as further amended by the act of June seventeenth, eighteen hundred and seventy-eight, entitled "An act making appropriations for the service of the Post-Office Department for the fiscal year ending June thirtieth, eighteen hundred and seventy-nine, and for other purposes." * * [*March 1, 1881.*]

Railways refusing to provide cars; pay reduced.

R. S., § 4002.

1876, July 12, ch. 179, § 1, *ante*, p. 110
1878, June 17, ch. 259, par. 3, *ante*, p. 187.

1879, March 3, ch. 180, § 4, *ante*, p. 246.

1884, July 5, ch. 234, par. 3, *post*, p. 467.

March 2, 1881. CHAP. 107.—An act to authorize the Secretary of the Treasury to change the name of vessels under certain circumstances.

21 Stat. L., 377.

Secretary of Treasury may permit names of vessels to be changed. R. S., § 4179.

—to make rules therefor.

1884, July 5, ch. 221, § 5, *post*, p. 462.

Be it enacted, &c., That the Secretary of the Treasury be, and hereby is, authorized to permit the owner or owners of any vessel duly enrolled and found seaworthy and free from debt to change the name of the same when in his opinion there shall be sufficient cause for so doing.

SEC. 2. That the Secretary of the Treasury shall establish such rules and regulations and procure such evidence as to the age, condition, where built, and pecuniary liability of the vessel as he may deem necessary to prevent injury to public or private interests: and when permission is granted by the Secretary he shall cause the order for the change of name to be published at least in four issues in some daily or weekly paper at the place of register; and the cost of procuring evidence and advertising the change of name to be paid by the person or persons desiring such change of name. [March 2, 1881.]

March 2, 1881.

CHAP. 111.—An act establishing a life-saving station at Louisville, Kentucky.

21 Stat. L., 379.

Life-saving station at Louisville, Ky.

R. S. §§ 4242–4251.

1874, June 20, ch. 344; 1878, June 18, ch. 265, *ante*, pp. 28, 190; 1882, May 4, ch. 117, *post*, p. 339.

Be it enacted, &c., That the Secretary of the Treasury is hereby directed to establish a (1) life-saving station at Louisville, Kentucky, with such equipments and organization as he may think proper, and whatever amount is necessary for said purpose is hereby appropriated out of any money not otherwise appropriated: *Provided*, That said amount shall not exceed the sum heretofore appropriated for such station. [March 2, 1881.]

NOTE.—(1) For acts relating to life-saving service, see note to 1878, June 18, ch. 265, *ante*, p. 90.

March 3, 1881.

CHAP. 130.—An act making appropriations for the legislative, executive, and judicial expenses of the government for the fiscal year ending June thirtieth, eighteen hundred and eighty-two, and for other purposes.

21 Stat. L., 385.

Architect of Capitol to have direction of employes, &c., for lighting, heating, &c., House of Representatives, subject to control of Speaker.

R. S., § 1817.

1876, Aug. 15, ch. 287, par. 4, *ante*, p. 119; 1877, March 3, ch. 102, par. 1; ch. 105, par. 3, *ante*, pp. 134, 136;

1888, July 11, ch. 615, par. 1, *post*, p. 597.

Commissioner of Railroads; title of. 1878, June 19, ch. 316, *ante*, p. 194.

Useless papers in P. O. Department to be sold, &c. 1882, Aug. 5, ch. 389, par. 1; 1889, Feb. 16, ch. 171; *post*, pp. 373, 644.

Salaries of judges payable monthly.

R. S., §§ 554, 607, 676, 714, 1049, 1882.

1891, March 3, ch. 541, par. 11, *post*, p. 927.

Be it enacted, &c. * * [Par. 1.] And hereafter the electrician, together with everything pertaining to the electrical machinery and apparatus, and all laborers and others connected with the lighting, heating and ventilating the House, shall be subject exclusively to the orders, and in all respects under the direction, of the Architect of the Capitol, subject to the control of the Speaker; and no removal or appointment shall be made except with his approval.

And all engineers and others who are engaged in heating and ventilating the House shall be subject to the orders, and in all respects under the direction, of the Architect of the Capitol, subject to the control of the Speaker; and no removal or appointment shall be made except with his approval. * *

[Par. 2.] Office of Auditor of Railroad Accounts.—For Auditor, who shall hereafter be styled Commissioner of Railroads, * *

[Par. 3.] That the Postmaster-General is hereby authorized to sell as waste paper, or otherwise dispose of, the files of papers which have accumulated, or may hereafter accumulate, in the Post-Office Department that are not needed in the transaction of current business and have no permanent value or historical interest; and the proceeds of said sales he shall pay into the treasury, and make report thereof to Congress. * *

[Par. 4.] That hereafter the salaries appropriated for the United States judges (1) in the foregoing paragraphs, and judges of the Court of Claims, and of the Territories, may be paid monthly. * *

NOTE.—(1) The judges named in the paragraphs here referred to are the judges of the Supreme Court, the circuit judges, the district judges, the judges of the supreme court of the District of Columbia, and judges retired under the provisions of R. S., § 714.

SEC. 4. That all acts or parts of acts inconsistent or in conflict with the provisions of this act are hereby repealed. [March 3, 1881.] Repeal.

CHAP. 132.—An act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June thirtieth, eighteen hundred and eighty-one, and for prior years, and for those certified as due by the accounting officers of the Treasury in accordance with section four of the act of June fourteenth, eighteen hundred and seventy-eight, (1) heretofore paid from permanent appropriations, and for other purposes. March 3, 1881. 21 Stat. L., 414.

Be it enacted, &c. * * Superintendent of the Government Hospital for the Insane, * * the salary of the said superintendent is hereby fixed at four thousand dollars per annum as originally provided in act of March second, eighteen hundred and sixty-seven. * * Salary of Superintendent of Hospital for insane. R. S., § 4830. 1867, March 2, (14 Stat. L., 464).

SEC. 2. * * That hereafter the Secretary of the Treasury may appoint inspectors of customs at a compensation less than three dollars per day when, in his judgment, the public service will permit. * * [March 3, 1881.] Inspectors of customs at less than \$3 a day may be appointed. R. S., § 2605.

NOTE.—(1) Chap. 191, ante, p. 180.

CHAP. 133.—An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and eighty-two, and for other purposes. March 3, 1881. 21 Stat. L., 435.

Be it enacted, &c., * * [Par. 1.] For establishing new life-saving stations and life-boat stations on the sea and lake coasts of the United States, including a station at the Falls of the Ohio River, near Louisville, Kentucky, * * New life-saving station established. 1878, June 18, ch. 265, and note, ante, p. 190.

[Par. 2.] So much of section five hundred and ninety six of the Revised Statutes as forbids the payment of the expenses of district judges while holding court outside of their districts is hereby repealed. * * Judges holding courts in other districts to be paid expenses. R. S., § 596.

SEC. 2. That the Secretary of the Treasury may at any time apply the surplus money in the Treasury not otherwise appropriated, or so much thereof as he may consider proper, to the purchase or redemption of United States bonds: 1891, Mar. 3, ch. 517, § 8, post, p. 904.

Provided, That the bonds so purchased or redeemed shall constitute no part of the sinking fund, but shall be canceled. * * [March 3, 1881.] Secretary of Treasury may apply surplus money to purchase bonds. R. S., § 3697. 1862, July 12, ch. 290, § 11, post, p. 356.

CHAP. 134.—An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June thirtieth, eighteen hundred and eighty-two, and for other purposes. March 3, 1881. 21 Stat. L., 458.

Be it enacted, &c., * * [Par. 1.] And hereafter the officers of the Reform School shall at the end of each fiscal year make a report to the Commissioners of the District of Columbia, which shall embrace a full and complete inventory of all the personal property in detail, the number of employees, and number of days each is employed during the year and price paid each, and the amount of garden, field, and other products produced, together with the disposition made of said personal property, products, and so forth. * * Reform School, D. C., to report to Commissioners. 1876, May 3, ch. 90, § 7, ante, p. 102. 1890, Aug. 6, ch. 724, par. 5, post, p. 777.

[Par. 2.] The supervision heretofore exercised by the Secretary of the Interior over the Government Hospital for the Insane shall be continued, and the officers of said hospital shall report to him as heretofore, anything in this act to the contrary notwithstanding. (1) * * Government Hospital for Insane to be under Secretary of Interior. R. S., § 4843.

NOTE.—(1) This provision is repeated in the subsequent appropriation act (22 Stat. L., 187).

Compensation of Engineer Commissioner.

1878, June 11, ch. 180, § 2, ante, p. 174.

Office of treasurer abolished; duties to be performed by collector of taxes.

Collector to receipt for taxes shown by assessment.

— receipt of, where filed.

— to be responsible for all taxes, except, &c.

Coroner's jury,— number and pay. R. S. of D. C., § 901.

Purchase of funded debt of District for sinking-fund.

1882, July 1, ch. 263, § 2, post, p. 351.

Annual estimates of District. R. S., § 3669.

1878, June 11, ch. 180, § 3, ante, p. 175.

1880, June 4, ch. 121, § 2, ante, p. 290.

1882, July 1, ch. 263, § 2, post, p. 351.

1891, March 3, ch. 546, § 2, post, p. 932.

March 3, 1881.

21 Stat. L., 503. Registration of trade-marks.

R. S., §§ 4937-4947.

1890, Oct. 1, ch. 1244, § 7, post, p. 858.

1882, Aug. 5, ch. 393, post, p. 378.

100 U. S., 82.

21 Fed. Rep., 231.

[Par. 3.] Hereafter the Engineer Commissioner shall be entitled to receive such compensation, in addition to his Army pay and allowances, as will make his compensation equal to five thousand dollars per annum. * *

[Par. 4.] The office of treasurer of the District of Columbia is hereby abolished from and after the thirtieth day of June, eighteen hundred and eighty-one, and the collector of taxes for said District shall, from and after that date, collect all revenues of the District and deposit the amounts collected daily with the Treasurer of the United States.

The duplicate of assessment for the fiscal year eighteen hundred and eighty-two, and annually thereafter, shall be prepared by the assessor before the first day of November of each year, and upon the completion thereof shall be delivered to the collector, who shall receipt in duplicate for the total amount of taxes shown by said assessment.

The original receipt shall be forwarded to the First Comptroller of the Treasury, and the duplicate to the auditor and comptroller of the District of Columbia.

All tax bills shall be made up by the collector of taxes, and he shall be held responsible under his bond for all taxes, except such as he may not be able to collect after fully complying with the requirements of law; * *

[Par. 5.] That hereafter a jury of inquest summoned by the coroner shall consist of six persons, and each of said jurors shall be paid one dollar a day for his services. * *

[Par. 6.] * * * Treasurer of the United States. * * * That hereafter the said Treasurer, as ex-officio sinking-fund commissioner as aforesaid, with the approval of the Secretary of the Treasury, is hereby authorized and empowered to purchase any of the funded indebtedness of said District of Columbia for the sinking-fund authorized to be created for the redemption and payment of the indebtedness of said District of Columbia, as in his opinion may be for the best interests of said District of Columbia. * *

[Par. 7.] That hereafter it shall be the duty of the Commissioners to include in the annual estimates of the District of Columbia estimates of the expenses of the water department:

And provided further, That the annual estimates of the District of Columbia shall be transmitted to Congress by the Commissioners of the District of Columbia at the same time that the regular annual estimates for expenses of the government are submitted by the Secretary of the Treasury and with his action on the same to be printed in the general book of estimates. * * * [March 3, 1881.]

CHAP. 138.—An act to authorize the registration of trade-marks and protect the same

Be it enacted, &c. That owners of trade-marks used in commerce with foreign nations, or with the Indian tribes, provided such owners shall be domiciled in the United States, or located in any foreign country or tribes which by treaty, convention or law, affords similar privileges to citizens of the United States, may obtain registration of such trade-marks by complying with the following requirements:

First. By causing to be recorded in the Patent Office a statement specifying name, domicile, location, and citizenship of the party applying; the class of merchandise and the particular description of goods comprised in such class to which the particular trade-mark has been appropriated; a description of the trade-mark itself, with fac-similes thereof, and a statement of the mode in which the same

is applied and affixed to goods, and the length of time during which the trade-mark has been used.

Second. By paying into the Treasury of the United States the sum of twenty-five dollars, and complying with such regulations as may be prescribed by the Commissioner of Patents.

SEC. 2. That the application prescribed in the foregoing section must, in order to create any right whatever in favor of the party filing it, be accompanied by a written declaration verified by the person, or by a member of a firm, or by an officer of a corporation applying, to the effect that such party has at the time a right to the use of the trade-mark sought to be registered, and that no other person, firm, or corporation has the right to such use, either in the identical form or in any such near resemblance thereto as might be calculated to deceive; that such trade-mark is used in commerce with foreign nations or Indian tribes, as above indicated; and that the description and fac-similes presented for registry truly represent the trade-mark sought to be registered.

Declaration under oath.

SEC. 3. That the time of the receipt of any such application shall be noted and recorded. But no alleged trade-mark shall be registered unless the same appear to be lawfully used as such by the applicant in foreign commerce or commerce with Indian tribes as above mentioned or is within the provision of a treaty, convention, or declaration with a foreign power; nor which is merely the name of the applicant; nor which is identical with a registered or known trade-mark owned by another and appropriate to the same class of merchandise, or which so nearly resembles some other person's lawful trade-mark as to be likely to cause confusion or mistake in the mind of the public, or to deceive purchasers.

Registry and recording.

In an application for registration the Commissioner of Patents shall decide the presumptive lawfulness of claim to the alleged trade-mark; and in any dispute between an applicant and a previous registrant, or between applicants, he shall follow, so far as the same may be applicable, the practice of courts of equity of the United States in analogous cases.

Commissioner of Patents to decide on claims to trade-marks.

SEC. 4. That certificates of registry of trade-marks shall be issued in the name of the United States of America, under the seal of the Department of the Interior, and shall be signed by the Commissioner of Patents, and a record thereof, together with printed copies of the specifications, shall be kept in books for that purpose.

Certificates of registry; how issued.

Copies of trade-marks and of statements and declarations filed therewith and certificates of registry so signed and sealed shall be evidence in any suit in which such trade-marks shall be brought in controversy.

— copies of, &c., to be evidence in suits.

SEC. 5. That a certificate of registry shall remain in force for thirty years from its date except in cases where the trade-mark is claimed for and applied to articles not manufactured in this country, and in which it receives protection under the laws of a foreign country for a shorter period, in which case it shall cease to have any force in this country by virtue of this act at the time that such trade-mark ceases to be exclusive property elsewhere.

Duration of protection, and renewal.

At any time during the six months prior to the expiration of the term of thirty years such registration may be renewed on the same terms, and for a like period.

SEC. 6. That applicants for registration under this act shall be credited for any fee, or part of a fee, heretofore paid into the Treasury of the United States with intent to procure protection for the same trade-mark.

Credit for fee previously paid.

SEC. 7. That registration of a trade-mark shall be prima facie evidence of ownership.

Registration prima facie evidence of ownership.

Any person who shall reproduce, counterfeit, copy or colorably imitate any trade-mark registered under this act and affix the same to merchandise of substantially the same descriptive properties as those

—counterfeiting &c.; how punished.

described in the registration, shall be liable to an action on the case for damages for the wrongful use of said trade-mark, at the suit of the owner thereof; and the party aggrieved shall also have his remedy according to the course of equity to enjoin the wrongful use of such trade-mark used in foreign commerce or commerce with Indian tribes, as aforesaid, and to recover compensation therefor in any court having jurisdiction over the person guilty of such wrongful act;

Jurisdiction of courts.

Restriction upon actions for infringement.

Fraudulent trade-marks.

Former rights and remedies preserved.

Saving as to rights after expiration of term.

Regulations for transfer of rights.

Trade-marks for foreign countries may be registered here.

And courts of the United States shall have original and appellate jurisdiction in such cases without regard to the amount in controversy.

SEC. 8. That no action or suit shall be maintained under the provisions of this act in any case when the trade-mark is used in any unlawful business, or upon any article injurious in itself, or which mark has been used with the design of deceiving the public in the purchase of merchandise, or under any certificate of registry fraudulently obtained.

SEC. 9. That any person who shall procure the registry of a trade-mark, or of himself as the owner of a trade-mark or an entry respecting a trade-mark, in the office of the Commissioner of Patents, by a false or fraudulent representation or declaration, orally or in writing, or by any fraudulent means, shall be liable to pay any damages sustained in consequence thereof to the injured party, to be recovered in an action on the case.

SEC. 10. That nothing in this act shall prevent, lessen, impeach, or avoid any remedy at law or in equity which any party aggrieved by any wrongful use of any trade-mark might have had if the provisions of this act had not been passed.

SEC. 11. That nothing in this act shall be construed as unfavorably affecting a claim to a trade-mark after the term of registration shall have expired; nor to give cognizance to any court of the United States in an action or suit between citizens of the same State, unless the trade-mark in controversy is used on goods intended to be transported to a foreign country, or in lawful commercial intercourse with an Indian tribe.

SEC. 12. That the Commissioner of Patents is authorized to make rules and regulations and prescribe forms for the transfer of the right to use trade-marks and for recording such transfers in his office.

SEC. 13. That citizens and residents of this country wishing the protection of trade-marks in any foreign country, the laws of which require registration here as a condition precedent to getting such protection there, may register their trade-marks for that purpose as is above allowed to foreigners, and have certificate thereof from the Patent Office. [March 3, 1881.]

March 3, 1881.

CHAP. 140.—An act to amend section twenty-three hundred and twenty-six of the Revised Statutes relating to suits at law affecting the title to mining claims.

21 Stat. L., 505.

In suits on mining claims, if neither party proves title, jury to so find, &c.

R. S., § 2326.

109 U. S., § 440.

115 U. S., § 48.

No costs allowed.

Be it enacted, &c., That if, in any action brought pursuant to section twenty-three hundred and twenty-six of the Revised Statutes, title to the ground in controversy shall not be established by either party, the jury shall so find, and judgment shall be entered according to the verdict.

In such case costs shall not be allowed to either party, and the claimant shall not proceed in the land-office or be entitled to a patent for the ground in controversy until he shall have perfected his title. [March 3, 1881.]

CHAP. 141.—An act to amend the act entitled “An act to encourage the establishment of public marine schools”, approved June twentieth, eighteen hundred and seventy-four, so as to extend it to the ports of Wilmington, Charleston, Savannah, Mobile, New Orleans, Baton Rouge, Galveston, and in Narragansett Bay.

March 3, 1881.
21 Stat. L., 505.

Be it enacted, &c., That the act entitled “An act to encourage the establishment of public marine schools”, approved June twentieth, eighteen hundred and seventy-four, be, and the same is, amended so that it shall extend to the ports of Wilmington, Charleston, Savannah, Mobile, New Orleans, Baton Rouge, Galveston, and in Narragansett Bay. [March 3, 1881.]

Vessels for public marine schools to be furnished at additional ports.
R. S., § 417.
1874, June 20, ch. 339, *ante*, p. 25.

CHAP. 144.—An act to divide the State of Louisiana into two judicial districts.

March 3, 1881.

Be it enacted, &c., That the parishes of Caddo, Bossier, Webster, Claiborne, Union, Morehouse, West Carroll, East Carroll, Madison, Richland, Ouachita, Lincoln, Bienville, Red River, De Soto, Sabine, Winn, Natchitoches, Jackson, Caldwell, Franklin, Tensas, Concordia, Catahoula, Grant, Vernon, Rapides, Avoyelles, Saint Landry, La Fayette, Saint Martin’s, Vermillion, Cameron, and Calcasieu, in the State of Louisiana, shall constitute, and is hereby created, the western judicial district in that State;

21 Stat. L., 507.
Louisiana divided into two judicial districts.
Western.
R. S., § 531.
1888, Aug. 8, ch. 789, *post*, p. 606.

And the district court now existing in Louisiana shall, from and after the passage of this act, be known as the district court for the eastern district of Louisiana, and all the parishes in said State not above named shall belong to said district.

Eastern.

SEC. 2. That all suits not of a local nature in the circuit and district courts against a single defendant, inhabitant of said State, must be brought in the district where he resides, but if there are two or more defendants, residing in different districts, such suits may be brought in either district.

Suits; in which district to be brought.

SEC. 3. That all prosecutions for crimes or offenses hereafter committed in either of said districts shall be cognizable within such district. * * [Words omitted relate to past offences.] * *

Prosecutions for crimes; where triable.

SEC. 4. [Relates to pending cases.]

SEC. 5. That there shall be held semi-annually in said district two stated sessions of the district and circuit courts, at each of the following places, to wit:

Places and terms of courts.
R. S., §§ 572, 658.
1888, Aug. 8, ch. 789, *post*, p. 606.

- At Opelousas, on the first Mondays of January and June;
- At Alexandria, on the fourth Mondays of January and June;
- At Shreveport, on the third Mondays of February and July;
- At Monroe, on the first Mondays of April and October.

SEC. 6. That a person learned in the law shall be appointed by the President of the United States, by and with the advice and consent of the Senate, district judge thereof, with a salary of (1) three thousand five hundred dollars per annum, payable quarterly, and with the same powers and duties as the district judge of the United States for the district of Louisiana as it now exists, and such as are conferred on him, or required of him, by this act.

Judge for western district; salary, &c.

And the said judge shall appoint a clerk of the district court in the western district, and a clerk of the circuit court for said district shall be appointed in the same manner as other such clerks are appointed, and who shall receive for the services performed by them the same fees and compensation that are allowed to the clerks of such courts holding their sessions in New Orleans, in the same State, and shall be subject in every respect to the same restrictions and responsibilities.

Clerks.
R. S., §§ 794-799, 828.

NOTE.—(1) Increased to \$5,000 by 1891, Feb. 24, ch. 287, *post*, p. 896. Payable monthly by 1881, March 3, ch. 130, par. 4, *ante*, p. 320.

Courts to be held at New Orleans. 1888, Aug. 13, ch. 869, § 2, *post*, p. 615.

Marshal and district attorney.

—their duties, &c. R. S., §§ 797-798, 833-846.

And the district and circuit courts for the eastern district of Louisiana shall be held in New Orleans, as heretofore.

* * [Words omitted relate to pending cases.] * *

SEC. 7. That the President of the United States, by and with the advice and consent of the Senate, be, and hereby is, authorized to appoint one person as marshal and one as district attorney for the said western district of the United States within the State of Louisiana created by this act;

And that the terms of appointment and service together with the duties and responsibilities of the said marshal and district attorney, respectively, for the district aforesaid shall be in all respects the same within their said district as the terms of appointment and services, the duties, and responsibilities of the marshal and district attorney, respectively, of the eastern district of the State of Louisiana [March 3, 1881.]

March 3, 1881.

CHAP. 146.—An act to establish an additional land district in the State of Kansas.

21 Stat. L., 508. Southwestern, land district, Kansas, established. R. S., § 2256. 1874, June 20, ch. 340, *ante*, p. 25. 1880, May 24, ch. 100, *ante*, p. 283.

Be it enacted, &c., That the following described territory in the State of Kansas, to wit: commencing at the southeast corner of township thirty-five, south range thirty-one west of the sixth principal meridian on the south boundary of the State of Kansas; thence west on said southern boundary to the western boundary of said State; thence north on said western boundary to the fourth standard parallel south; thence east along said parallel to the northeast corner of township twenty-one south, range thirty-one west, and thence south to the place of beginning, in the State of Kansas, shall constitute an additional land district, to be called the southwestern land district, the location for the office of which shall be designated by the President of the United States, and shall by him from time to time be changed, as the public interest may seem to require.

Register and receiver. R. S., §§ 2334-2347.

SEC. 2. That the President be, and he hereby is, authorized, whenever the public interest shall require, to appoint, in accordance with existing laws authorizing appointment to office, a register and a receiver for the district hereby created, who shall each be required to reside at the site of the office for said district, have the same powers, responsibilities, and emoluments, and be subject to the same acts and penalties which are, or may be, prescribed by law in relation to other land-offices of the United States.

Business of the old districts confirmed.

SEC. 3. That all sales and locations made at the offices of the districts in which the lands embraced in this district have hitherto been included, situated wholly within the limits of this district, which shall be valid and right in other respects up to the day on which the new office shall go into operation, be, and the same are hereby, confirmed. [March 3, 1881.]

March 3, 1881.

CHAP. 147.—An act to regulate the mode of purchasing tobacco for the United States Navy.

21 Stat. L., 509. Tobacco for Navy; how to be purchased. R. S., § 3721.

Be it enacted, &c., That the Secretary of the Navy be, and he is hereby, directed to cause all purchases of tobacco for the use of the Navy to be made in the city of Washington, and as follows:

In the month of February or March of each year the Secretary of the Navy shall cause proposals for bids for supplying the Navy with tobacco during the next year to be advertised thirty days in one daily newspaper in each of the cities of New York, Harrisburg, Pennsylvania, Baltimore, Richmond, Raleigh, North Carolina, Saint Louis, Louisville, Nashville, Hartford, Connecticut, Detroit, Cairo, Illinois,

and Chicago; said tobacco to be manufactured during the months of June, July, August, and September; the bids to be accompanied by samples of the tobacco which each bidder may propose to furnish. The lowest bid for furnishing tobacco equal to the United States Navy standard now in use shall be accepted. [March 3, 1881.]

CHAP. 150.—An act to amend section fourteen hundred and eighty-six of the Revised Statutes in order to preserve the meaning of the original law from which it was taken, with reference to the rank of engineer officers, graduates of the Naval Academy.

March 3, 1881.

21 Stat. L., 510.

Be it enacted, &c., That section fourteen hundred and eighty-six of the Revised Statutes of the United States be amended by inserting after the word "accordingly", at the end of the section the words, "Provided, That nothing in this section shall be so construed as to give to any officer of the staff corps precedence of, or a higher relative rank than that of, another staff officer in the same grade and corps, and whose commission in such grade and corps antedates that of such officer." [March 3, 1881.]

Precedence of rank of officers in Navy.

Limiting former provision.
R. S., § 1486.

CHAP. 153.—An act to amend section two thousand two hundred and ninety-seven, of title thirty-two, of the Revised Statutes, relating to homestead settlers.

March 3, 1881.

21 Stat. L., 511.

Be it enacted, &c., That section numbered twenty-two hundred and ninety-seven, of title numbered thirty-two, be amended by adding thereto the following proviso, namely:

Provided, That where there may be climatic reasons the Commissioner of the General Land Office may, in his discretion, allow the settler twelve months from the date of filing in which to commence his residence on said land under such rules and regulations as he may prescribe. [March 3, 1881.]

Homestead settlers allowed additional time, for climatic reasons, to commence residence.

R. S., § 2297.
1889, March 2, ch. 381, § 3, *post*, p. 683.

CHAP. 154.—An act amendatory of and supplementary to (1) "An act to provide for the holding of terms of the district and circuit courts of the United States at Fort Wayne, Indiana", approved June eighteenth, eighteen hundred and seventy-eight.

March 3, 1881.

21 Stat. L., 511.

Indiana.

Be it enacted, &c., That there shall be two terms each of the United States district and circuit courts for the district of Indiana, held in the city of Fort Wayne, Indiana, said terms to begin on the second Tuesday in June and December.

Terms of courts at Fort Wayne.
R. S., §§ 572, 658.

SEC. 2. The clerk of the district and circuit courts for the district of Indiana, and marshal and district attorney for said district, shall perform the duties appertaining to their offices respectively for said courts, and said clerk and marshal shall appoint deputies, who shall reside and keep their offices at Fort Wayne, Indiana.

1878, June 18, ch. 269, (20 Stat. L., 266.)

Clerk and marshal and their deputies.

Said deputies shall keep in their offices such records as appertain to their offices, and said deputy clerk shall keep in his office full records of all actions, proceedings, and judgments in said courts. [March 3, 1881.]

NOTE.—(1) While this act is in terms an amendment and supplement to 1878, June 18, ch. 269 (20 Stat. L., 266), it is really a complete substitute for §§ 1 and 2. The remaining section (3) enacted that the courts should be held in buildings provided without expense to the U. S. This is superseded by 1882, Aug. 3, ch. 464 (22 Stat. L., 369), authorizing a public building for court purposes in that city. The whole act being superseded, it does not appear in this volume.

March 3, 1881. CHAP. 156.—An act to establish a port of delivery at Indianapolis, in the State of Indiana.
 21 Stat. L., 512.
 Indianapolis, Ind., a port of delivery, with privileges of immediate transportation.
 R. S., § 2601.
 1880, June 10, ch. 190, § 7, ante, p. 294.
 —surveyor of customs for.
 R. S., § 2202.

Be it enacted, &c., That Indianapolis in the State of Indiana be and the same is hereby constituted a port of delivery; and that the privileges of immediate transportation of dutiable merchandise conferred by the act of June tenth, eighteen hundred and eighty, entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes" be and the same are hereby extended to said port;

And there shall be appointed a surveyor of customs to reside at said port, who shall receive a salary to be determined by the Secretary of the Treasury, not exceeding one thousand dollars per annum. [March 3, 1881.]

March 3, 1881. CHAP. 160.—An act to construe an act entitled "An act to relieve the churches and orphan asylums of the District of Columbia and to clear the title of the trustees of such property."
 21 Stat. L., 513.

District of Columbia, orphan asylums exempt from taxation except, &c.
 1877, March 3, ch. 117, § 8 ante, p. 145.
 1879, June 21, ch. 33, ante, p. 266.

Be it enacted, &c. [Sec. 1 has expired.]
 SEC. 2. That all taxes and assessments heretofore levied upon orphan asylums, and on the grounds actually occupied thereby, together with all penalties, costs, and interest that may have accrued thereon, shall be, and hereby are remitted and released; and said asylums and grounds shall hereafter be exempt from taxation while so occupied:
Provided, That all other real estate belonging to such institutions shall still be held for assessment and taxation, and for all previous assessments and taxes. [March 3, 1881.]

RESOLUTIONS.

Jan. 27, 1881. NUMBER 3.—Joint resolution in reference to the distribution of the Congressional Record.
 21 Stat. L., 515.

Congressional Record to be furnished justices, clerk, and marshal of Supreme Court.
 R. S., § 3760.
 1874, June 20, Res. No. 12, and —and to Reporter of Senate.

Resolved, &c., That the Public Printer be authorized to furnish the Chief Justice and each of the associate justices of the Supreme Court of the United States, and the clerk and marshal of the court with a current copy of the Daily Congressional Record, and at the end of each session a bound copy of the proceedings of Congress for such session.
 note, ante, p. 56.

And the Public Printer shall also furnish to the Official Reporter of the Senate five bound copies of the Congressional Record for each session. [January 27, 1881.]

Feb. 14, 1881. NUMBER 12.—Joint resolution authorizing the Public Printer to print reports of the United States Fish Commissioner upon new discoveries in regard to fish-culture.
 21 Stat. L., 517.

Reports of Commissioner of Fisheries to be printed, &c.
 R. S., §§ 4391–4396.
 1888, Jan. 20, ch. 1, post, p. 577.

Resolved, &c., That the Public Printer be, and he hereby is, instructed to print and stereotype, from time to time, the regular number of nineteen hundred copies of any matter furnished him by the United States Commissioner of Fish and Fisheries relative to new observations, discoveries, and applications connected with fish-culture and the fisheries, to be capable of being distributed in parts, and the whole to form an annual volume or bulletin not exceeding five hundred pages.

The edition of said annual work shall consist of five thousand copies, of which two thousand five hundred shall be for the use of the House of Representatives, one thousand for the use of the Senate, and one thousand five hundred for the use of the Commissioner of Fish and Fisheries. [February 14, 1881.]

—number and distribution of.

NUMBER 26.—Joint resolution authorizing the Secretary of the Treasury to furnish States, for the use of agricultural colleges, one set of standard weights and measures and for other purposes.

March 3, 1881.

21 Stat. L. 521.

Resolved, &c., That the Secretary of the Treasury be, and he is hereby, directed to cause a complete set of all the weights and measures adopted as standards to be delivered to the governor of each State in the Union, for the use of agricultural colleges in the States, respectively, which have received a grant of lands from the United States, and also one set of the same for the use of the Smithsonian Institution:

Standard weights and measures for agricultural colleges.

1836, June 14, Res. No. 7 (5 Stat. L., 133).

R. S., §§ 3548, 3549, 3569, 3570.

1890, July 11, ch. 667, par. 3, *post*, p. 772.

Provided That the cost of each set shall not exceed two hundred dollars, and a sum sufficient to carry out the provisions of this resolution is hereby appropriated out of any money in the Treasury not otherwise appropriated. [March 3, 1881.]

FORTY-SEVENTH CONGRESS—FIRST SESSION

IN

THE YEARS 1881-1882.

CHAP. 2.—An act to amend section nine hundred and ninety-three of the Revised Statutes of the United States for the District of Columbia, and an act entitled "An act to amend section nine hundred and ninety-three of the Revised Statutes of the United States for the District of Columbia", approved January thirty-first, eighteen hundred and seventy-nine.

Dec. 20, 1881.

22 Stat. L., 1.

Be it enacted, &c., That whenever any day set apart as a legal holiday within the District of Columbia shall fall on the first day of the week, commonly called Sunday, then and in such event the day next succeeding shall be a holiday within the District of Columbia, and shall for all purposes of presenting for payment or acceptance, for the maturity and protest and giving notice of the dishonor of bills of exchange, bank-checks, and promissory notes or other negotiable or commercial paper, be treated and considered as is the first day of the week, commonly called Sunday, and all notes, drafts, checks, or other commercial or negotiable paper falling due or maturing on such holiday shall be deemed as having matured on the Saturday previous. [December 20, 1881.]

Legal Holidays,
District of Columbia, falling on Sunday.

R. S. of D. C.,
§ 993.

1879, Jan. 31,
ch. 38, and note,
ante, p. 210.

CHAP. 25.—An act to establish a port of delivery at Denver, in the State of Colorado.

March 6, 1882.

Be it enacted &c., That Denver, in the State of Colorado, be, and the same is hereby, constituted a port of delivery; and that the privileges of immediate transportation of dutiable merchandise conferred by the act of June tenth, eighteen hundred and eighty, entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," be, and the same are hereby, extended to said port.

22 Stat. L. 13.

Colorado.

Denver, a port of delivery with privileges of immediate transportation act.

1880, June 10, ch. 190, § 7. *ante*. p. 294.

And there shall be appointed a surveyor of customs to reside at said port, who shall receive a salary to be determined by the Secretary of the Treasury, not exceeding one thousand five hundred dollars per annum. [March 6, 1882.]

CHAP. 47.—An act to amend section fifty-three hundred and fifty-two of the Revised Statutes of the United States, in reference to bigamy, and for other purposes.

March 22, 1882.

22 Stat. L., 30.

Be it enacted, &c., That section fifty-three hundred and fifty-two of the Revised Statutes of the United States be, and the same is hereby, amended so as to read as follows, namely:

"Every person who has a husband or wife living who, in a Territory or other place over which the United States have exclusive jurisdiction, hereafter marries another, whether married or single, and any man who hereafter simultaneously, or on the same day, marries more than one woman, in a Territory or other place over

Bigamy, &c., in Territories; how punished.

Substitute for
R. S., 5352.
98 U. S., 145.

which the United States have exclusive jurisdiction, is guilty of polygamy, and shall be punished by a fine of not more than five hundred dollars and by imprisonment for a term of not more than five years;

—not to apply to certain cases.

But this section shall not extend to any person by reason of any former marriage whose husband or wife by such marriage shall have been absent for five successive years, and is not known to such person to be living, and is believed by such person to be dead, nor to any person by reason of any former marriage which shall have been dissolved by a valid decree of a competent court, nor to any person by reason of any former marriage which shall have been pronounced void by a valid decree of a competent court, on the ground of nullity of the marriage contract."

Prosecution of offenses already committed not affected.

SEC. 2. That the foregoing provisions shall not affect the prosecution or punishment of any offense already committed against the section amended by the first section of this act.

Cohabitation with more than one; how punished.

SEC. 3. That if any male person, in a Territory or other place over which the United States have exclusive jurisdiction, hereafter cohabits with more than one woman, he shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not more than three hundred dollars, or by imprisonment for not more than six months, or by both said punishments, in the discretion of the court.

116 U. S., 55.
118 U. S., § 46,
355.

Joinder of counts in indictment.

SEC. 4. That counts for any or all of the offenses named in sections one and three of this act may be joined in the same information or indictment.

Persons disqualified for service on jury.

SEC. 5. That in any prosecution for bigamy, polygamy, or unlawful cohabitation, under any statute of the United States, it shall be sufficient cause of challenge to any person drawn or summoned as a juror or talesman,

114 U. S., 477.

— if guilty of violation of law.

First, that he is or has been living in the practice of bigamy, polygamy, or unlawful cohabitation with more than one woman, or that he is or has been guilty of an offense punishable by either of the foregoing sections, or by section fifty-three hundred and fifty-two of the Revised Statutes of the United States, or (1) the act of July first, eighteen hundred and sixty-two, entitled "An act to punish and prevent the practice of polygamy in the Territories of the United States and other places, and disapproving and annulling certain acts of the legislative assembly of the Territory of Utah", or,

R. S., § 5352.

— if believing in right of polygamy, &c.

Second, that he believes it right for a man to have more than one living and undivorced wife at the same time, or to live in the practice of cohabiting with more than one woman;

— may be challenged and questioned, &c.

And any person appearing or offered as a juror or talesman, and challenged on either of the foregoing grounds, may be questioned on his oath as to the existence of any such cause of challenge, and other evidence may be introduced bearing upon the question raised by such challenge; and this question shall be tried by the court.

But as to the first ground of challenge before mentioned, the person challenged shall not be bound to answer if he shall say upon his oath that he declines on the ground that his answer may tend to criminate himself; and if he shall answer as to said first ground, his answer shall not be given in evidence in any criminal prosecution against him for any offense named in sections one or three of this act; but if he declines to answer on any ground, he shall be rejected as incompetent.

Amnesty for past offenses.

SEC. 6. That the President is hereby authorized to grant amnesty to such classes of offenders guilty of bigamy, polygamy, or unlawful cohabitation, before the passage of this act, on such conditions and under such limitations as he shall think proper; but no such amnesty shall have effect unless the conditions thereof shall be complied with.

SEC. 7. That the issue of bigamous or polygamous marriages, known as Mormon marriages, in cases in which such marriages have been solemnized according to the ceremonies of the Mormon sect, in any Territory of the United States, and such issue shall have been born before the first day of January, anno Domino eighteen hundred and eighty-three, are hereby legitimated.

Issue of Mormon marriages before January, 1883, legitimated.

1887, March 3, ch. 397, § 11, *post*, p. 569.

137 U. S., 688.

Bigamists, &c., disqualified as voters, and ineligible to appointments.

SEC. 8. That no polygamist, bigamist, or any person cohabiting with more than one woman, and no woman cohabiting with any of the persons described as aforesaid in this section, in any Territory or other place over which the United States have exclusive jurisdiction, shall be entitled to vote at any election held in any such Territory or other place, or be eligible for election or appointment to or be entitled to hold any office or place of public trust, honor, or emolument in, under, or for any such Territory or place, or under the United States.

SEC. 9. That all the registration and election offices of every description in the Territory of Utah are hereby declared vacant, and each and every duty relating to the registration of voters, the conduct of elections, the receiving or rejection of votes, and the canvassing and returning of the same, and the issuing of certificates or other evidence of election in said Territory, shall, until other provision be made by the legislative assembly of said Territory as is hereinafter by this section provided, be performed under the existing laws of the United States and of said Territory by proper persons, who shall be appointed to execute such offices and perform such duties by a board of five persons, to be appointed by the President, by and with the advice and consent of the Senate, not more than three of whom shall be members of one political party; and a majority of whom shall be a quorum.

Board to take place of registration and election officers, declared out of office.

1887, March 3, ch. 397, § 22, *post*, p. 572.

114 U. S., 15.

The members of said board so appointed by the President shall each receive a salary at the rate of three thousand dollars per annum, and shall continue in office until the legislative assembly of said Territory shall make provision for filling said offices as herein authorized. The Secretary of the Territory shall be the secretary of said board, and keep a journal of its proceedings, and attest the action of said board under this section. The canvass and return of all the votes at elections in said Territory for members of the legislative assembly thereof shall also be returned to said board, which shall canvass all such returns and issue certificates of election to those persons who, being eligible for such election, shall appear to have been lawfully elected, which certificate shall be the only evidence of the right of such persons to sit in such assembly:

Salary of members.

1882, Aug. 5, ch. 389, par. 3, *post*, p. 373.

Provided, That said board of five persons shall not exclude any person otherwise eligible to vote from the polls on account of any opinion such person may entertain on the subject of bigamy or polygamy nor shall they refuse to count any such vote on account of the opinion of the person casting it on the subject of bigamy or polygamy;

Person not to be disfranchised on account of opinion.

But each house of such assembly, after its organization, shall have power to decide upon the elections and qualifications of its members.

Houses of Assembly to be judges of election.

And at, or after the first meeting of said legislative assembly whose members shall have been elected and returned according to the provisions of this act, said legislative assembly may make such laws, conformable to the organic act of said Territory and not inconsistent with other laws of the United States, as it shall deem proper concerning the filling of the offices in said Territory declared vacant by this act. [March 22, 1882.]

Legislature may make laws for filling offices.

March 23, 1882.
22 Stat. L., 32.

CHAP. 48.—An act to amend the Revised Statutes of the United States establishing the times, places, and provisions for holding terms of the district and circuit courts in the northern district of New York.

Term of district court for northern New York.
R. S., § 572.

Be it enacted, &c., That that paragraph of section five hundred and seventy-two of the Revised Statutes declaring the times, places, and provisions for holding terms of the District Court in the Northern District of New York be amended so as to read as follows:

“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 September;

At Auburn, on the third Tuesday in November;

And in the discretion of the judge of the court, one term annually at such time and place within the counties of Onondaga, Saint Lawrence, Clinton, Jefferson, Oswego, and Franklin as he may from time to time appoint. Such appointment shall be made by notice of at least twenty days published in the State paper of New York and one newspaper published at the place where said court is to be held.

—of circuit court.
R. S., § 658.

SEC. 2. That that paragraph of section six hundred and fifty-eight of the Revised Statutes declaring the times, places and provisions for holding terms of the circuit court in the Northern district of New York to be amended so as to read as follows:

“In the northern district of New York, at Canandaigua, on the third Tuesday in June; at Syracuse on the third Tuesday in November; at Albany, on the third Tuesday in January.

—at Albany; to be adjourned to Utica.

And when the said term appointed to be held at Albany be adjourned, it shall be adjourned to meet in Utica on the third Tuesday in March; but said adjourned term shall be for the transaction of civil business only.”

Jury of district court at Albany, Syracuse and Utica to serve in circuit court.

Substitute for
R. S., § 806.

SEC. 3. That section eight hundred and six of the Revised Statutes be amended so as to read as follows:

“SECTION 806. No jury shall be drawn for service exclusively in the circuit court for the northern district of New York at the terms thereof required by law to be held at Albany and Syracuse, or at the adjourned term thereof required by law to be held at Utica, if a jury is drawn to serve in the district court held at the same times and places with said terms and adjourned term, but it shall be used for the trial of issues of fact arising in civil and criminal 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.” [March 23, 1882.]

March 23, 1882.
22 Stat. L., 33.

CHAP. 49.—An act to create two additional land districts, and to change the boundaries of the Watertown land district in the Territory of Dakota.

South Dakota.
Huron land district.
R. S., § 2256.
1883, Mar. 3, ch.
140, *post*, p. 415.

Be it enacted, etc., That all that part of the Territory of Dakota bounded as follows, to wit: Commencing at the southeast corner of township one hundred and nine north, range fifty-nine west of the fifth principal meridian; thence west along the second standard parallel north to the Missouri river; thence up and along the east bank of said river to a point where the fifth standard parallel north intersects said river; thence east along said standard parallel north to the northwest corner of township one hundred and twenty north, range fifty-nine west; thence south to the southwest corner of township one hundred and thirteen north, range fifty-nine west; thence east to the southeast corner of said township; thence south to the place of beginning, be, and the same is hereby, constituted a new land district, the office of which shall be located at such place as shall be designated by the President of the United States.

SEC. 2. That all that part of the Territory of Dakota bounded as follows, to wit: Commencing at the northwest corner of township one hundred and twenty north, range fifty-nine west of the fifth principal meridian; thence west along the fifth standard parallel north to the Missouri River; thence up and along the east bank of said river to the south line of township one hundred and thirty north; thence east along said line to the northeast corner of township one hundred and twenty-nine north, range fifty-nine west; thence south to the south-east corner of township one hundred and twenty-nine north, range fifty-nine west; thence east along the seventh standard parallel north to the northwest corner of township one hundred and twenty-eight north, range fifty-nine west; thence south to the place of beginning, be, and the same is hereby, constituted a new land district, the office of which shall be located at such place as shall be designated by the President of the United States.

(2) At erdeer district.
R. S., § 2256.

SEC. 3. That all that part of the Territory of Dakota bounded as follows, to wit: Commencing at a point where the second standard parallel north of the fifth principal meridian intersects the eastern boundary of said Territory; thence west along said parallel to the southeast corner of township one hundred and nine north, range fifty-nine west; thence north to the northeast corner of township one hundred and twelve north, range fifty-nine west; thence west along the third standard parallel north to the eighth guide-meridian; thence north along said guide-meridian to the northwest corner of township one hundred and twenty-eight north, range fifty-nine west; thence west along the seventh standard parallel north to the southeast corner of township one hundred and twenty-nine north, range fifty-nine west; thence north to the southeast corner of township one hundred and thirty north, range fifty-nine west; thence east to the eastern boundary-line of the Territory of Dakota; thence southerly on said boundary-line to the place of the beginning, shall constitute the limits of the Watertown land district. [March 23, 1882.]

(3) Watertown district.
R. S., § 2556.

CHAP. 67.—An act to amend section forty-four hundred and fifty-eight of the Revised Statutes of the United States, relating to license fees of officers of steam vessels.

April 5, 1882.

22 Stat. L., 40.

Be it enacted, &c., That Section forty-four hundred and fifty-eight of the Revised Statutes be, and is hereby, amended by striking out of the paragraph, beginning in the eighth line thereof, the following words, that is to say "Each Master, chief engineer, and first class pilot licensed as herein provided shall pay for every certificate granted by any inspector or inspectors the sum of ten dollars and every chief Mate, engineer, and pilot of an inferior grade shall pay for every certificate so granted the sum of five dollars" and insert in lieu thereof the following "Each Master, engineer, pilot, and Mate licensed as herein provided shall pay for every certificate granted by any inspector or inspectors (1) the sum of fifty cents." [April 5, 1882.]

Masters, engineers, pilots, and mates of steamers to pay license fee. Substitute for part of R. S., § 4458.
1886, June 19, ch. 421, § 1, post, p. 492.

NOTE.—(1) By 1886, June 19, ch. 421, § 1, post, p. 492, this fee is abolished but as inspectors are to be paid from the Treasury such compensation as they would have received prior to that date, this is retained as possibly in force for some purposes. But see R. S., § 4414.

CHAP. 83.—An act to amend section twenty-five hundred and sixty-nine of the Revised Statutes in relation to appraisers at the port of New Orleans, Louisiana.

April 18, 1882.

22 Stat. L., 47.

Be it enacted, &c., That section twenty-five hundred and sixty-nine, paragraph first, of the Revised Statutes, be, and the same is hereby, amended by striking out the words "two appraisers and one assistant appraiser" and inserting in lieu thereof the following, to wit: "one appraiser and two assistant appraisers." [April 18, 1882.]

One appraiser and two assistants at port of New Orleans.
R. S., § 2569.

April 25, 1882.

22 Stat. L., 47.

A judge, district attorney, marshal, and clerk for each judicial district in Georgia.

Judge assigned to southern district.

Appointment of judge; salary.

Appointment of district attorney and marshal.

R. S., §§ 767, 776.

CHAP. 87.—An act to establish distinct United States courts, with distinct officers, in the northern and southern judicial districts of the State of Georgia. (1)

Be it enacted, &c., That hereafter there shall be for each of the two judicial districts in the State of Georgia a judge, district attorney, marshal and clerk to be appointed, commissioned, and removed as provided by law for other such officers; but the officers now acting in said places in both said districts shall continue to act until their places shall be filled according to law.

SEC. 2. That the district judge now holding office for both said districts shall be assigned to and hereafter be the district judge for the southern district in said State.

SEC. 3. That the President of the United States, by and with the advice and consent of the Senate, shall appoint for the northern district in said State a district judge who shall have all the powers and perform all the duties held and performed by the other district judges of the courts of the United States, and shall receive a salary of (2) three thousand five hundred dollars a year.

And the President of the United States, by and with the advice and consent of the Senate, shall appoint a district attorney and marshal of said southern district, and when the term of the present district attorney and marshal hereby assigned to the northern district shall expire the President of the United States, by and with the advice and consent of the Senate, shall appoint a district attorney and marshal for said northern district, with the same powers and duties as in other cases, and with the same compensation and emoluments as are provided for the district attorney and marshal by existing laws for said districts. [April 25, 1882.]

NOTE.—(1) By R. S. § 536, Georgia is divided into two judicial districts, having by §§ 562, 767, 776, but one district judge, attorney, and marshal. By §§ 572, 683, district and circuit courts were held at Savannah and Atlanta. By 1860, Jan. 23, ch. 17, *ante*, p. 278, three counties are added to the southern district and it is divided into eastern and western divisions and courts are to be held also at Macon. By 1882, Apr. 25, ch. 87, above, a separate judge and other officers are provided for the northern district. By 1884, June 20, ch. 106, *post*, p. 439, and 1889, Feb. 23, ch. 205, *post*, p. 650, the times of holding court at Atlanta are changed. By 1889, Feb. 15, ch. 168, *post*, p. 643, three counties of the northern district are added to the southern district, and a northeastern division is established with courts at Augusta. By 1891, March 3, ch. 368, *post*, p. 954, certain counties are transferred to the northern district and the western division is established with courts at Columbus.

(2) Increased to \$5,000 by 1891, Feb. 24, ch. 287, *post*, p. 596.

April 25, 1882.

22 Stat. L., 48.

Five collection districts in Oregon and Washington.

Substitute for R. S., § 2586.

Southern district of Oregon.

District of Yaquina.

— of Oregon.

CHAP. 88.—An act to amend sections twenty-five hundred and eighty-six and twenty-five hundred and eighty-seven of the Revised Statutes of the United States by creating the collection district of Yaquina in the State of Oregon and authorizing the appointment of a collector therein.

Be it enacted, &c. That section twenty-five hundred and eighty-six of the Revised Statutes of the United States be amended so as to read as follows:

“SEC. 2586. There shall be in the State of Oregon and Territory of Washington five collection districts, as follows:

“First. The southern district of Oregon; to comprise all of 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 Yaquina; to comprise all the waters and shores lying north and east of the north bank of the Siuslaw River to the north bank of the Salmon River, and west of the summit of the Cascade Range of mountains; in which Yaquina shall be the port of entry and Newport a port of delivery.

“Third. The district of Oregon; to comprise all the waters and shores lying north and east of the north bank of the Salmon River to the forty-sixth and one-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 tributary waters; in which Astoria shall be the port of entry.

“Fourth. The district of Willamette; to comprise all the waters and shores lying north and east of the north bank of the Salmon River to the forty-sixth and one-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, and all other portions of said State drained by said Willamette River or its tributaries; in which Portland shall be the port of entry.

“Fifth. 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, Yaquina, Oregon, and Willamette; in which Port Townsend shall be the port of entry.”

SEC. 2. That section twenty-five hundred and eighty-seven of the Revised Statutes of the United States be amended so as to read as follows:

“SEC. 2587. There shall be in the collection districts in the State of Oregon and the Territory of Washington the following officers:

“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.

“Second. In the district of Yaquina, a collector, who shall reside at Yaquina, and who 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 per year.

“Third. In the district of Oregon, a collector, who shall reside at Astoria.

“Fourth. In the district of Willamette, a collector and an appraiser, who shall reside at Portland.

“Fifth. In the district of Puget sound, a collector, who shall reside at Port Townsend.” [April 25, 1882.]

Collection dist.
of Willamette.

1889, March 1,
ch. 309, *post*, p. 652.

—of Puget Sound.
1890, Aug. 28,
ch. 814, § 1, *post*,
p. 789.

Officers, resi-
dence, and com-
pensation for each
district.

Substitute for
R. S., § 2587.

1890, Aug. 29,
ch. 814, § 2, *post*,
p. 790.

CHAP. 89.—An act to amend section three thousand and sixty-six of the Revised Statutes of the United States, in relation to the authority to issue warrants.

April 25, 1882.

22 Stat. L., 49.

Warrants for
search and seizure
of merchandise
upon which duties
are unpaid.

Substitute for
R. S., § 3066.
12 Wh., 487.
3 How., 197.
1 Curt., 276.
Sprague, 294.

Be it enacted, &c., That section three thousand and sixty-six of chapter ten, title thirty-four, of the Revised Statutes of the United States, be amended so as to read as follows:

“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, or district judge of cities, police justice, or any judge of the circuit or district court of the United States, or any Commissioner of the United States circuit court, 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, upon which the duties shall not have been paid, or secured to be paid, shall be forfeited.” [April 25, 1882.]

Such merchan-
dise forfeited.

April 26, 1882.

CHAP. 106.—An act to amend section twenty-three hundred and twenty-six of the Revised Statutes, in regard to mineral lands, and for other purposes.

22 Stat. L., 49.

Oath of adverse claimants to mineral lands; before whom administered.

R. S., § 2326.

Be it enacted, &c., That the adverse claim required by section twenty-three hundred and twenty-six of the Revised Statutes may be verified by the oath of any duly-authorized agent or attorney-in-fact of the adverse claimant cognizant of the facts stated; and the adverse claimant, if residing or at the time being beyond the limits of the district wherein the claim is situated, may make oath to the adverse claim before the clerk of any court of record of the United States or of the State or Territory where the adverse claimant may then be, or before any notary public of such State or Territory.

—of applicants for mineral lands.

R. S., § 2321.

SEC. 2. That applicants for mineral patents, if residing beyond the limits of the district wherein the claim is situated, may make any oath or affidavit required for proof of citizenship before the clerk of any court of record or before any notary public of any State or Territory. [April 26, 1882.]

May 1, 1882.

CHAP. 111.—An act to authorize the appointment of an ordnance storekeeper in the Army.

22 Stat. L., 52.

Ordnance storekeeper for Army to be appointed, who shall pass examination.

R. S., § 1159.

1874, June 23, ch. 458, §§ 5-8, ante, p. 45, 46.

Be it enacted, &c., That the President is hereby authorized to nominate and, by and with the advice and consent of the Senate, appoint an ordnance storekeeper in the ordnance department of the army; and all laws inconsistent herewith are hereby suspended for the purposes of this act only: *Provided*, That prior to his appointment he shall have passed a satisfactory examination before a board of ordnance officers. [May 1, 1882.]

May 1, 1882.

CHAP. 112.—An act to amend section fifty-two hundred and fifty-four, title sixty-three, Revised Statutes of the United States, concerning the use of piers and crib in the Mississippi River.

22 Stat. L., 52.

Owners of saw-mills on Saint Croix River, &c., may construct piers and cribs.

R. S., § 5254.

Be it enacted, &c., That section fifty-two hundred and fifty-four, title sixty-three, of the Revised Statutes of the United States shall be amended by adding after the words "Mississippi River," in the first line of said section, the words "and the Saint Croix River in the States of Wisconsin and Minnesota." [May 1, 1882.]

May 4, 1882.

CHAP. 116.—An act making appropriations for the service of the Post-Office Department for the fiscal year ending June thirtieth, eighteen hundred and eighty-three, and for other purposes.

22 Stat. L., 52.

Postmaster-General may declare contracts sublet by contractor for service to be at end, and may contract with subcontractor.

R. S., § 3963.

1878, Aug. 17, ch. 107, §§ 2, 3, ante, p. 165.
17 Opins., 514.

Be it enacted, &c., * * [Par. 1.] That whenever any contractor or subcontractor shall sublet his contract for the transportation of the mail on any route for a less sum than that for which he contracted to perform the service, the Postmaster-General may, whenever he shall deem it for the good of the service, declare the original contract at an end, and enter into a contract with the last subcontractor, without advertising, to perform the service on the terms at which the last subcontractor agreed with the original contractor or former subcontractor to perform the same: *Provided*, That such last subcontractor shall enter into a good and sufficient bond and that the original contractor shall not be released from his contract until a good and sufficient bond has been made by such last subcontractor and accepted by the Post-Office Department:

—Contractor not entitled to month's pay in such case.

Provided, further, That when a contract hereafter made is declared void on account of its having been sublet, the contractor shall not be entitled to one month's extra pay as provided for by law:

And provided further, That if any person shall hereafter perform any service for any contractor or subcontractor in carrying the mail, he shall, upon filing in the department his contract for such service, and satisfactory evidence of its performance thereafter, have a lien on any money due such contractor or subcontractor for such service to the amount of the same; and if such contractor or subcontractor shall fail to pay the party or parties who have performed service as aforesaid the amount due for such service within two months after the expiration of the quarter in which such service shall have been performed, the Postmaster-General may cause the amount to be paid said party or parties and charged to the contractor, provided that such payment shall not in any case exceed the rate of pay per annum of the contractor or subcontractor:

And provided further, That where any person, corporation, or partnership shall have contracts for the performance of mail service upon more than one route, and any failure to perform the service according to contract on any one or more of such routes shall occur, no payment shall be made for service on any of the routes under contract with such person, corporation, or partnership until such failure has been removed and all penalties therefor fully satisfied.

* *

[*Par. 2.*] The Postmaster General is authorized to designate postmasters at Presidential post-offices as disbursing officers for the payment of the salaries of the officers and employees of the postal service concerned in the transportation of mails or in their distribution in transit, and for such other payments as they are now authorized to make from postal revenues. * * [May 4, 1882.]

Subcontractors &c., may have lien on money due contractor by filing contract, &c.

Persons having contract on different routes failing to perform one not to have pay for others.

Postmasters at Presidential offices may be designated disbursing officers, &c.

1884, July 5, ch. 234, par. 2, post, p. 487.

CHAP. 117.—An act to promote the efficiency of the Life Saving Service, (1) and to encourage the saving of life from shipwreck.

May 4, 1882.

22 Stat. L., 55.

Be it enacted, &c., That the Secretary of the Treasury is hereby authorized to establish additional life-saving stations and houses of refuge upon the sea and lake coasts of the United States as follows, namely:

Life-saving service.

R. S., § 4242.

1874, June 10, ch.

344, ante, p. 28.

1878, June 18, ch.

265, ante, p. 190.

1881, March 2, ch.

111, ante, p. 330.

1886, June 19, ch.

424, post, p. 497.

1888, Oct. 1, ch.

1060, post, p. 622.

ON THE ATLANTIC COAST.

A life saving station at or near Damariscove Island, Maine;

One at or near Hunniwells Beach, Maine;

One at or near the entrance to Portland Harbor, Maine;

One at or near the entrance to Portsmouth Harbor, New Hampshire;

One on Cape Ann, Massachusetts;

One between Cohasset and Scituate Harbors, Massachusetts;

One at or near Wood End; and

One in the vicinity of Peaked Hill Bars, Cape Cod, Massachusetts;

Two in the neighborhood of Nantucket and adjacent islands, Massachusetts;

One at or near Brenton's Point or Beaver Tail, Rhode Island;

One on Brigantine Beach and one on Seven-Mile Beach, New Jersey;

One at or near Lewes, Delaware;

Five on the coast between Cape Henlopen and Cape Charles, at such points between existing stations as the General Superintendent of the Life Saving Service may recommend;

One between stations numbered seventeen and eighteen, and one between station numbered twenty one and twenty-two;

One about three miles southwest of Hatteras Inlet on the coast of North Carolina;

Six houses of refuge on the eastern coast of Florida, and two life-saving stations on the Atlantic coast of Florida,

One near Key West and one near Jupiter Inlet, and one on the Gulf coast west of Apalachicola River, at such points as the General Superintendent of the Life-Saving Service may recommend;

Two life-saving stations on the coast of South Carolina, to be located by the General Superintendent at or near the ports of Georgetown and Charleston;

A life-saving station at or near Quintana, Texas.

Lake Superior.

ON THE COAST OF LAKE SUPERIOR.

A life-saving station at or near Grand Marais, Michigan.

Lake Michigan.

ON THE COAST OF LAKE MICHIGAN.

A life-saving station at or near Frankfort, Michigan;

One at or near Pent Water, Michigan;

One at or near the mouth of White River, Michigan;

One at or near Holland, Michigan;

One at or near South Haven, Michigan;

One at or near Michigan City, Indiana;

One at or near Sturgeon Bay Canal, Wisconsin.

Stations and houses may be discontinued.

SEC. 2. That the Secretary of the Treasury is hereby authorized to discontinue any life-saving or life-boat station or house of refuge whenever in his judgment the interest of commerce and humanity no longer require its existence.

Apparatus and supplies, etc., may be transferred.

SEC. 3. That the General Superintendent may transfer the apparatus, appliances, equipments, and supplies of any discontinued station or house of refuge to such other stations or houses of refuge as may need them, and may also transfer any portion of the apparatus, appliances, equipments, and supplies of one station or house of refuge to another whenever in his judgment the interests of the service may require it.

Superintendents to be disbursing officers.

SEC. 4. That hereafter all district superintendents of life-saving stations shall be disbursing officers and paymasters for their respective districts, and shall give such bonds as the Secretary of the Treasury may require, and shall have the powers and perform the duties of inspectors of customs; and the compensation of the superintendents in the districts herein named shall be as follows:

Compensation of superintendents.

For the first district embracing the coasts of Maine and New Hampshire, fifteen hundred dollars per annum.

For the second district, embracing the coast of Massachusetts fifteen hundred dollars per annum.

For the third district, embracing the coasts of Rhode Island and Long Island eighteen hundred dollars per annum.

For the fourth district, embracing the coast of New Jersey, eighteen hundred dollars per annum.

For the fifth district, embracing the coast between Delaware and Chesapeake Bays, fifteen hundred dollars per annum.

For the sixth district embracing the coast between Chesapeake Bay and Cape Fear River, eighteen hundred dollars per annum.

For the seventh district, embracing the eastern coast of Florida and the coast of Georgia and South Carolina, twelve hundred dollars per annum.

For the eighth district, embracing the coast of the United States bordering on the Gulf of Mexico, fifteen hundred dollars per annum.

For the ninth district, embracing the coasts of Lake Ontario and Erie, eighteen hundred dollars per annum.

For the tenth district, embracing the coasts of Lake Huron and Superior, eighteen hundred dollars per annum.

For the eleventh district, embracing the coast of Lake Michigan, eighteen hundred dollars per annum.

For the twelfth district, embracing the coasts of California, Oregon,

and Washington Territory, one thousand eight hundred dollars per annum.

SEC. 5. That the Secretary of the Treasury is hereby authorized to appoint and fix the annual compensation of the several keepers of all stations and houses of refuge at such rate as he may deem just and proper:

Compensation of keepers and men. R. S., § 4243.

Provided, That the compensation of any keeper shall not exceed eight hundred dollars per annum; and the Secretary of the Treasury is also authorized to fix the pay of the men employed at the different stations, provided the same shall not exceed fifty dollars per month.

SEC. 6. That crews may be employed at any of the life-saving or life-boat stations on the Pacific coast during such portion of the year as the general superintendent may deem necessary.

Crews on Pacific coast.

SEC. 7. That if any keeper or member of a crew of a life-saving or life-boat station shall be so disabled by reason of any wound or injury received or disease contracted in the Life-Saving Service in the line of duty as to unfit him for the performance of duty, such disability to be determined in such manner as shall be prescribed in the regulations of the service, he shall be continued upon the rolls of the service and entitled to receive his full pay during the continuance of such disability, not to exceed the period of one year, unless the general superintendent shall recommend, upon a statement of facts, the extension of the period through a portion or the whole of another year, and said recommendation receive the approval of the Secretary of the Treasury as just and reasonable; but in no case shall said disabled keeper or member of a crew be continued upon the rolls or receive pay for a longer period than two years.

Members, etc., of crews disabled in line of duty to have pay for one year of disability.

SEC. 8. That if any keeper or member of a crew of a life-saving or life-boat station shall hereafter die by reason of perilous service or any wound or injury received or disease contracted in the Life-saving service in the line of duty, leaving a widow, or a child or children under sixteen years of age, such widow and child or children shall be entitled to receive, in equal portions, during a period of two years, under such regulations as the Secretary of the Treasury may prescribe, the same amount payable quarterly, as far as practicable, that the husband or father would be entitled to receive as pay if he were alive and continued in the service:

In case of death in line of duty widow or child to receive pay for two years.

Provided, That if the widow shall re-marry at any time during the said two years, her portion of said amount shall cease to be paid to her from the date of her remarriage, but shall be added to the amount to be paid to the remaining beneficiaries under the provisions of this section, if there be any; and if any child shall arrive at the age of sixteen years during the said two years, the payment of the portion of such child shall cease to be paid to such child from the date on which such age shall be attained, but shall be added to the amount to be paid to the remaining beneficiaries, if there be any.

SEC. 9. That the life-saving medals of the first and second class authorized by the provisions of the seventh section of the act of July twentieth, eighteen hundred and seventy-four, shall be hereafter designated as the gold and silver life-saving medal respectively, and any person who has received or may hereafter receive either of said medals under the provisions of said section, or the twelfth section of the act of June eighteenth, eighteen hundred and seventy-eight, and who shall again perform an act which would entitle him to a medal of the same class under said provisions, shall receive, and the Secretary of the Treasury is hereby authorized to award, in lieu of a second medal, a bar, suitably inscribed, of the same metal as the medal to which said person would be entitled, to be attached to a ribbon of such description as the Secretary of the Treasury may prescribe, which may be fastened to the medal already bestowed upon said person; and for every such additional act an additional bar may be added.

Medals.

1874, June 10, ch. 344, § 7, ante, p. 29.
1878, June 18, ch. 265, § 12, ante, p. 193.

And the Secretary of the Treasury is hereby authorized, in his discretion, whenever any person becomes entitled to a bar representing a gold medal, to award him, in addition to said bar, such taken (1) as it is customary to award in acknowledgment of the services of masters and crews of foreign vessels in rescuing American citizens from shipwreck.

Appointments to be made only for fitness.

SEC. 10. That the appointment of district superintendents, inspectors, and keepers and crews of life-saving stations shall be made solely with reference to their fitness, and without reference to their political or party affiliations.

SEC. 11. That this act shall take effect from and after its passage. [May 4, 1882.]

NOTE.—(1) "Token" is here meant.

May 6, 1882.

CHAP. 126.—An act to execute certain treaty stipulations relating to Chinese (1).

22 Stat. L., 58.

Preamble.

Whereas, in the opinion of the Government of the United States the coming of Chinese laborers to this country endangers the good order of certain localities within the territory thereof: Therefore,

Be it enacted, &c. SEC. 1. [For substitute, see 1884, July 5, ch. 220, post, p. 458.]

SEC. 2. [For substitute, see 1884, July 5, ch. 220, post, p. 458.]

SEC. 3. [For substitute, see 1884, July 5, ch. 220, post, p. 458.]

SEC. 4. [For substitute, see 1884, July 5, ch. 220, post, p. 458.]

SEC. 5. [Superseded, 1888, Oct. 1, ch. 1064, post, p. 625.]

SEC. 6. [Substitute, 1884, July 5, ch. 220, post, p. 459.]

Penalty for altering, &c., certificates.

SEC. 7. That any person who shall knowingly and falsely alter or substitute any name for the name written in such certificate or forge any such certificate, or knowingly utter any forged or fraudulent certificate, or falsely personate any person named in any such certificate, shall be deemed guilty of a misdemeanor; and upon conviction thereof shall be fined in a sum not exceeding one thousand dollars, and imprisoned in a penitentiary for a term of not more than five years.

SEC. 8. [Substitute, 1884, July 5, ch. 220, post, p. 460.]

Collector of customs to compare certificates and lists.

SEC. 9. That before any Chinese passengers are landed from any such vessel, the collector, or his deputy, shall proceed to examine such passengers, comparing the certificates with the list and with the passengers; and no passenger shall be allowed to land in the United States from such vessel in violation of law.

SEC. 10. [Substitute, 1884, July 5, ch. 220, post, p. 460.]

SEC. 11. [Substitute, 1884, July 5, ch. 220, post, p. 460.]

SEC. 12. [Substitute, 1884, July 5, ch. 220, post, p. 460.]

SEC. 13. [Substitute, 1884, July 5, ch. 220, post, p. 461.]

Chinese not to be admitted to citizenship.

SEC. 14. That hereafter no State court or court of the United States shall admit Chinese to citizenship; and all laws in conflict with this act are hereby repealed.

SEC. 15. [Substitute, 1884, July 5, ch. 220, post, p. 461.] [May 6, 1882.]

NOTE.—(1) For review of laws relating to Chinese immigration, see note to 1888, Oct. 1, ch. 1064, post, p. 625.

For review of laws forbidding other immigration, see note to 1891, March 3, ch. 551 post, p. 924.

CHAP. 157.—An act to amend the general incorporation law of the District of Columbia.

May 17, 1882.

Be it enacted &c., That the five hundred and fifty-third section of the Revised Statutes of the United States relating to the District of Columbia be, and the same is hereby, amended by adding after the words "life insurance" the words "or for the purpose of insuring titles to real estate."

SEC. 2. That any company heretofore formed, agreeably to the aforesaid section of the said Revised Statutes, for the purpose of insuring titles to real estate may become perpetual on filing in the office of the recorder of deeds of the District of Columbia a certificate to that effect in like manner as is provided by law for the filing of the original certificate of incorporation. [May 17, 1882.]

22 Stat. L., 67.
Companies for insuring real estate titles, District of Columbia.
R. S. of D. C., § 553.
1881, Jan. 28, ch. 29, *ante*, p. 314.
1890, Oct. 1, ch. 1246, *post*, p. 870.
Existing companies may become perpetual.

CHAP. 163.—An act making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June thirtieth, eighteen hundred and eighty-three, and for other purposes.

May 17, 1882.

22 Stat. L., 70.

Be it enacted &c., * *

[Par. 1.] Section two thousand and seventy of the Revised Statutes be, and the same is hereby, repealed.

[Par. 2.] For the expenses of the commission of citizens, serving without compensation, appointed by the President under the provision of the fourth section of the act of April tenth, eighteen hundred and sixty-nine, * * And hereafter the commission shall only have power to visit and inspect agencies and other branches of the Indian service, and to inspect goods purchased for said service, and the Commissioner of Indian Affairs shall consult with the commission in the purchase of supplies. The commission shall report their doings to the Secretary of the Interior. * *

[Par. 3.] When it becomes necessary to detail clerks and other employees of the Indian service outside of Washington to assist in the opening of bids, making contracts, and shipping goods, they may be allowed a per diem of not exceeding four dollars per day for hotel and other expenses, which per diem shall be in lieu of all expenses now authorized by law, exclusive of railway transportation and sleeping car fare. * *

[Par. 4.] Section two thousand and fifty-six of the Revised Statutes is hereby amended so as to read as follows:

"SEC. 2056. Each Indian agent shall hold his office for the term of four years, and until his successor is duly appointed and qualified." * *

SEC. 6. That the President may, in his discretion, consolidate two or more agencies into one, and where Indians are located on reservations created by executive order he may, with the consent of the tribes to be affected thereby, expressed in the usual manner, consolidate one or more tribes, and abolish such agencies as are thereby rendered unnecessary;

And preference shall at all times, as far as practicable, be given to Indians in the employment of clerical, mechanical, and other help on reservations and about agencies.

SEC. 7. That it shall be the duty of the Commissioner of Indian Affairs to cause to be compiled and printed for the use of Indian Agents and inspectors the provisions of the statutes regulating the performance of their respective duties, and also to furnish said officers from time to time information of new enactments upon the same subject. * * [May 17, 1882.]

Indian interpreters, salaries of

Repeal of
R. S., § 2070.
Indian Commission, duties of restricted.
R. S., §§ 2039-2042.

Per diem pay to certain clerks &c., detailed for special duty in Indian service.

1875, March 3, ch. 133, par. 1, *ante*, p. 81.

Indian agents to hold four years.

Substitute for
R. S., § 2056.
24 C. Cls., 331.

Consolidation and abolition of agencies.
R. S., § 2059.

Preference to Indians.
R. S., § 2069.

1875, March 3, ch. 132, § 5, *ante*, p. 79.
Statutes, &c., to be furnished to agents by commissioner.

May 19, 1882.

22 Stat. L., 93.

Guns and mortars to be furnished certain States for militia practice in heavy artillery drill.

R. S., § 1661.
1887, Feb. 12, ch. 129, *post*, p. 587.
14 Opins. 490.

CHAP. 172.—An act making appropriations for fortifications and other works of defense, and for the armament thereof, for the fiscal year ending June thirtieth, eighteen hundred and eighty three, and for other purposes.

Be it enacted, &c., * * SEC. 2. That the Secretary of War is hereby authorized, at his discretion, to issue, on the requisition of the governor of a State bordering on the sea or gulf coast, and having a permanent camping ground for the encampment of the militia not less than six days annually, two heavy guns and four mortars, with carriages and platforms, if such can be spared, for the proper instruction and practice of the militia in heavy artillery drill, and for this purpose a suitable battery for these cannon will be constructed; and for said construction and the transportation of said cannon, and so forth, the sum of five thousand dollars is hereby appropriated for supplying each State that may so apply. [May 19, 1882.]

June 15, 1882.

22 Stat. L., 101.

Judicial districts in Mississippi.

Superseding
R. S., § 539.
—northern.

—southern.

1887, Feb. 28, ch. Northern district divided.
R. S., § 572.

—eastern division.

—western division.

District court for eastern division.
R. S., § 572.

—for western division, at Oxford.
R. S., § 572.

CHAP. 218.—An act to amend the several acts in relation to the division of the State of Mississippi into judicial districts, and further to amend the several acts in relation to the northern judicial district of the State of Mississippi, and to provide for the time and places of holding the United States district courts in said northern district.

Be it enacted, &c., That the State of Mississippi is hereby divided into two districts, which shall be called the northern and southern districts of Mississippi.

The northern district shall include the counties of Kemper, Neshoba, Winston, Noxubee, Carroll, Attala, (1) Bolivar, Coahoma, Tunica, De Soto, Tate, Marshall, Panola, Benton, Tippah, Tishominga, Alcorn, Prentiss, (1) Sunflower, Itawamba, Lee, Monroe, Lowndes, Oktibbeha, Choctaw, Montgomery, Grenada, Tallahatchee, LaFayette, Pontotoc, Union, Chickasaw, Webster, Clay, Calhoun, Quitman, and Yalabusha, as they now exist.

The (1) southern district shall include the residue of said State. 279, *ante*, p. 547; 1888, Apr. 4, ch. 58, *post*, p. 583; 1888, Apr. 11, ch. 81, *post*, p. 584.

SEC. 2. That the northern judicial district of the State of Mississippi as now hereby constituted shall be divided into an eastern and western division;

That the counties of Tishomingo, Alcorn, Prentiss, Itawamba, Lee, Pontotoc, Monroe, Chickasaw, Clay, Oktibbeha, Lowndes, Noxubee, Winston, Choctaw, Neshoba, and Kemper shall compose the (2) eastern division of said northern judicial district;

That all the other counties embraced in the northern judicial district as now hereby constituted shall compose the (2) western division of said northern judicial district;

That there shall be in each year two terms of the United States (3) district court for the eastern division, to be styled "the district court of the United States for the eastern division of the northern judicial district of Mississippi," held at the town of Aberdeen, in said eastern division, to begin on the first Mondays of April and October, respectively, and shall continue twenty-four judicial days, if the business so long require;

That there shall also be in each year two terms of the United States (3) district court for the western division, to be styled "the district court of the United States for the western division of the northern judicial district of Mississippi," held at the town of Oxford, in said western division, to begin on the first Mondays of June and December, and to continue so long as the business may require;

NOTES.—(1) Southern district divided into eastern and western divisions with courts in western division at Vicksburg, by 1887, Feb. 28, ch. 279, *post*, p. 547. Southern division of this district created with court at Mississippi City, by 1888, April 4, ch. 58, *post*, p. 583. Bolivar and Sunflower counties transferred to western division of southern district, by 1888, April 11, ch. 81, *post*, p. 584.

(2) Attala county transferred to eastern division, 1886, July 8, ch. 745, *post*, p. 500.
(3) Circuit court to be held at the same times, 1889, Feb. 6, ch. 113, § 1, *post*, p. 638, and (§§ 2, 5) circuit court powers of the district courts abolished.

That the district judge of the United States for the State of Mississippi is hereby required to hold the courts aforesaid. Judge.

Juries shall be summoned for the additional courts hereby created as now provided by law for the summoning of juries in said northern district. Juries.

SEC. 3. That hereafter all suits to be brought in either of said courts, not of a local nature, shall be brought in the division where the defendants, or either of them, reside; but if there be more than one defendant, and they reside in different divisions, or any of them reside in the southern judicial district of Mississippi, the plaintiff may sue in either division or district, and send duplicate writs to the other division or district, directed to the marshal of the district where he or they may reside, on which said writs shall be indorsed by the plaintiff, or his attorney, that the same is a duplicate of the original writ sued out of the district court of the proper division or district; Venue of actions.

But whenever a defendant is sued out of the division of his residence, and is not joined with a codefendant whose residence is in the division where the suit is brought, he may, before pleading therein, on motion and on affidavit of the division of his residence, change the venue to the court of the division of his residence, which suit shall stand for trial at the first term of the court to which the venue may be so changed; —error in, how corrected.

But any cause may, by written consent of both parties or their attorneys of record, be transferred to the court of either division, without regard to the division of the residence of the defendants, and whether such cause be now pending or be instituted hereafter. —transfer of by consent of parties.

SEC. 4. That the clerk of the northern judicial district of Mississippi shall be sole clerk of the courts of both divisions of the said district, to be appointed in the manner now prescribed by law; that the said clerk, or his deputies, shall reside at each of the places of holding said courts, and shall there keep an office, and the records, files, and documents pertaining to the court of that division; and said clerk shall be entitled to the same fees now allowed to him by law. Clerk of northern district, his residence, deputies, &c.
—Chief deputy.
R. S., § 558.

In addition to his powers to appoint deputies as now prescribed by law, said clerk shall be required to appoint a chief deputy for the court of that division in which he himself may not reside, who shall have all the powers of the clerk in his absence, and shall reside at the place of holding the court for the other division where the chief clerk does not reside.

SEC. 5. That the marshal and the district attorney for the northern judicial district of Mississippi shall, respectively, be the marshal and the district attorney for the eastern and western divisions of said northern district, and shall be allowed the same fees (except as hereinafter provided for said district attorney), and be subject to the same duties and liabilities, as now provided by law; Marshal and district attorney of northern district.

That process issuing from the courts of either division of said northern district shall be directed to the marshal of said northern district, and may be executed by him or his deputies upon the party or parties for whom issued, wherever found in said northern district; Process in each division; how directed and executed.

And said marshal shall have an office and at least one general deputy residing at the place of holding court in each division, unless he shall reside there himself. Residences of marshal, &c.

SEC. 6. [*Relates to pending cases.*]

SEC. 7. That said district courts for the eastern and western divisions of said northern district shall have the same powers and jurisdiction, with the same right to parties to prosecute appeals and writs of error therefrom, as now pertains to the district court for said northern judicial district. All prosecutions for crimes and offenses heretofore committed shall be commenced and prosecuted as if this act had not passed. Jurisdiction, &c., of courts of northern district.
1889, Feb. 6, ch. 113, post, p. 638.

SECS. 8, 9. [*Relate to pending cases.*]

Special terms.
R. S., § 581.

SEC. 10. That the judge of the United States courts for said northern district may, by order, from time to time, appoint and hold additional special terms of said court, for the disposal of the unfinished business thereof, whenever the interests of the public and the condition of the docket shall so require:

Provided, That there shall not be more than two such special terms in any one year in each division, nor for a longer period than twelve judicial days for each special term. [*June 15, 1882.*]

June 15, 1882.

CHAP. 219.—An act to amend section twenty-five hundred and fifty-two of the Revised Statutes, and to change the boundaries of the fourth collection district of Virginia.

22 Stat. L., 103.

Yorktown collection dist., Va.

Be it enacted, &c., That paragraph four (1) of section twenty-five hundred and fifty-two of the Revised Statutes be, and the same is hereby, amended so that it shall read:

Substitute for
R. S. § 2552, par. 4.
Norfolk and Portsmouth collection dist., Va.

[*Part omitted, superseded by 1888, Oct. 12, ch. 1093, § 1, post, p. 630.*]

Substitute for
R. S. § 2552, par. 5.

SEC. 2. That paragraph five of section twenty-five hundred and fifty-two of the Revised Statutes be, and the same is hereby, amended so that it shall read:

Collector to reside at Newport News and surveyor at Yorktown.

[*Part omitted, superseded by 1888, Oct. 12, ch. 1093, § 2, post, p. 630.*]

Substitute for
R. S., § 2553, par. 4.

SEC. 3. That paragraph four of section twenty-five hundred and fifty-three be, and the same is hereby, amended so that it shall read:

“In the district of (1) Yorktown, a collector who shall reside at Newport News, and a surveyor who shall reside at Yorktown.” [*June 15, 1882.*]

NOTE.—(1) The name of the district of Yorktown is changed to district of Newport News by 1888, Oct. 12, ch. 1093, § 1, post, p. 630.

June 16, 1882.

CHAP. 223.—An act to amend sections twenty-five hundred and eighty-two, twenty-five hundred and eighty-three, twenty-six hundred and seven, and twenty-six hundred and eighty-four of the Revised Statutes of the United States, relating to the collection districts of California.

22 Stat. L., 105.

Collection districts, California.
Substitute for
R. S., § 2582.

Be it enacted, &c., That section twenty-five hundred and eighty-two of the Revised Statutes be amended so as to read as follows:

“SEC. 2582. There shall be in the State of California four collection districts, as follows:

San Diego,
1890, Apr. 26, ch. 159, post, p. 716.

“First. The district of San Diego; to comprise all the waters and shores of the county of San Diego; in which San Diego, on the Bay of San Diego, shall be the sole port of entry.

Wilmington,
1874, June 6, ch. 213, ante, p. 10.

“Second.—The district of Wilmington; to comprise all the waters and shores of the counties of Santa Barbara, Ventura, Los Angeles, and San Bernardino, in which Wilmington, on the Bay of Wilmington, shall be the sole port of entry, and Santa Barbara, San Buena Ventura and Huernerne, ports of delivery.

1890, Apr. 26, ch. 159, post, p. 716.

“Third.—The district of San Francisco; to comprise all the waters and shores of the State north of the counties embraced in the second district and south of the county of Humboldt; in which San Francisco shall be the port of entry and Vallejo and San Luis Obispo ports of delivery.

San Francisco,

Humboldt.

“Fourth.—The district of Humboldt; to comprise all the waters and shores of the counties of Humboldt and Del Norte; in which Eureka, on the Bay of Humboldt, shall be the sole port of entry, and Crescent City a port of delivery.”

Officers and their residence.

That section twenty-five hundred and eighty-three of the Revised Statutes of the United States be amended so as to read as follows:

Substitute for
R. S., § 2583.

“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.

“Second.—In the district of Wilmington, a collector, who shall reside at Wilmington; a deputy collector who shall reside at Wilmington; and one inspector, to be appointed by the collector, with the approval of the Secretary of the Treasury, for each of the ports of Santa Barbara, San Buena Ventura and Huenerne.

“Third.—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 Vallejo; a deputy collector who shall reside at San Luis Obispo; an inspector at Monterey, an inspector at Sacramento, an inspector at Benicia, and an inspector at Stockton.

“Fourth.—In the district of Humboldt; a collector who shall reside at Eureka, and one inspector to be appointed by the collector, with the approval of the Secretary of the Treasury, for the port of Crescent City.”

That section twenty-six hundred and seven of the Revised Statutes of the United States be amended so as to read as follows:

“SEC. 2607. At the port of Wilmington, in the district of Wilmington, and at the port of San Diego, in the district of San Diego, and at the port of Eureka, in the district of Humboldt, 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 of those ports. Also such inspectors as he may deem necessary to enforce the custom laws along the boundary between the Republic of Mexico and the counties of San Diego and San Bernardino.”

That section twenty-six hundred and eighty-four of the Revised Statutes of the United States be amended so as to read as follows:

“SEC. 2684.—The collector of the district of San Diego shall receive a salary of twenty-five hundred dollars a year; the collector of the district of Wilmington shall receive a salary of twenty-five hundred dollars a year, and the deputy collector of said district shall receive a salary of one thousand five hundred dollars a year; and the collector of the district of Humboldt shall receive a salary of twenty-five hundred dollars a year. [June 16, 1882.]

Sec. of Treasury may appoint other officers.

Substitute for R. S., § 2607.

Salaries of collectors, &c.

Substitute for R. S., § 2684.

CHAP. 230.—An act to create two additional land-districts in the State of Nebraska.

June 19, 1882.

Be it enacted, &c., That all that portion of the State of Nebraska bounded and described as follows: Beginning where the second guide-meridian west intersects the northern boundary of the State of Nebraska; thence south along said guide-meridian to the southeast corner of township twenty-six north, range seventeen west; thence west to the southeast corner of township twenty-six north, range twenty-one west; thence south to the southeast corner of township twenty-five north; range twenty-one west; thence west to the western boundary of the State; thence north to the north line of the State; thence east along said line to the place of beginning, be, and hereby is, constituted a new land-district, to be called the Minnekadusa land-district, the land-office for which shall be located at such place as the President may direct.

22 Stat. L., 206.

Nebraska.
Minnekadusa
land-district.

R. S., § 2256.

1886, May 3, ch.

81, post, p. 490.

1890, April 16,
ch. 83, post, p. 714.

SEC. 2. That all that portion of the State of Nebraska bounded and described as follows: Beginning on the south boundary of the State of Nebraska, on the range-line between ranges twenty-five and twenty-six west; thence north along said range-line to the second standard parallel; thence west along said standard parallel to the western boundary of the State; thence south along said boundary to

Hitchcock district.

the south line of the State; thence along said south line east to the place of beginning, is hereby constituted an additional land-district, to be called the Hitchcock land-district, the land-office for which shall be located at such place as the President may direct.

Register and receiver.

SEC. 3. That the President, by and with the advice and consent of the Senate, is hereby authorized to appoint a register and a receiver for each of said land-districts, who shall discharge like and similar duties and receive the same amount of compensation as other officers discharging like duties in the other land-offices of said State. [June 19, 1882.]

June 22, 1882.

CHAP. 236.—An act to provide for the payment of the salaries and compensation of members of the houses of Congress and their officers and employees in certain contingencies.

22 Stat. L., 108.

Disbursements of congressional pay may be made by Treasurer in certain cases.

Be it enacted, &c., That whenever any appropriation made for the payment of the salaries of Senators, Members, and Delegates in Congress, or the officers and employees of both or either of the houses thereof, or for the expenses of the same, or any committees thereof, cannot be lawfully disbursed by or through the officers specially charged with such disbursements, such disbursements may be made for the purposes named in said appropriations by the Treasurer of the United States, who shall take proper vouchers therefor and charge such disbursements against such appropriations; and the accounts therefor shall be audited and passed or rejected, as the law may require, in the same manner that similar accounts are or may be required by law to be audited and passed or rejected. [June 22, 1882.]

R. S. §§ 40, 45, 56.

1890, Oct. 1, ch. 1256, *post*, p. 876.
25 C. Cls., 204.

June 30, 1882.

CHAP. 254.—An act making appropriations for the support of the Army for the fiscal year ending June thirtieth, eighteen hundred and eighty-three, and for other purposes.

22 Stat. L. 117.

Longevity pay to Army officers, how computed.

Be it enacted, &c., * * [Par. 1.] For * * additional pay to officers for length of service, to be paid with their current monthly pay,

R. S. §§ 1261, 1262, 1274.

1878, June 17, ch. 263, § 7, *ante*, p. 189.

And the actual time of service in the Army or Navy, or both, shall be allowed all officers in computing their pay (1):

19 C. Cls., 204, 389.
112 U. S., 1.
130 U. S., 80.

Provided, That from and after the first day of July, eighteen hundred and eighty-two, the ten per centum increase for length of service allowed to certain officers by section twelve hundred and sixty-two of the Revised Statutes shall be computed on the yearly pay of the grade fixed by sections twelve hundred and sixty-one and twelve hundred and seventy-four of the Revised Statutes. * *

Commutation of quarters for Signal Service officers and men.

[Par. 2.] That (2) the allowance for commutation of quarters to the Lieutenant-General of the Army shall be one hundred dollars per month; and for officers and enlisted men of the Signal Service serving in the Arctic regions, the same in amount as though they were serving in Washington, District of Columbia:

R. S. § 1270.

Officers 40 years in service, or 64 years old, shall be retired.

R. S. §§ 1243-1260.

1878, June 18, ch. 263, § 7, *ante*, p. 189.

And provided further, That on and after the passage of this act when an officer has served forty years either as an officer or soldier in the regular or volunteer service, or both, he shall, if he make application therefor to the President, be retired from active service and placed on the retired list,

1883, Mar. 3, ch. 93, par. 3, *post*, p. 400.

1884, July 5, ch. 217, par. 1, *post*, p. 455.

1891, Feb. 16, ch. 238, *post*, p. 893.

And, when an officer is sixty-four years of age, he shall be retired from active service and placed on the retired list:

NORES.—(1) This paragraph, to this point, is repeated from 1881, Feb. 24 ch. 79 (21 Stat. L., 346), but the proviso following is not contained therein.

(2) The part of this paragraph relating to the Lieutenant-General is a repetition of 1881, Feb. 24, ch. 79 (21 Stat. L., 347). That office has now expired. See R. S., 1094, and note (3) to 1873, June 18, ch. 263, § 9, *ante*, p. 190.

17 Opins., 421.

Provided further, That the (3) General of the Army, when retired, shall be retired without reduction in his current pay and allowances; And no act now in force shall be so construed as to limit or restrict the retirement of officers as herein provided for,

General, retired,
to have full pay.
R. S., § 1094.
Retirement
hereunder not
limited.

Provided further, That any officer who is supernumerary to the permanent organization of the Army as provided by law may, at his own request, be honorably discharged from the Army, and shall thereupon receive one year's pay for each five years of his service, but no officer shall receive more than three years' pay in all. * *

Discharge and
pay of supernum-
erary officers.

SEC. 3. That traders and laundrymen at depots for recruits in the Army be, and hereby are, authorized to furnish such recruits, on credit, with laundry work and such articles as may be necessary for their cleanliness and comfort, at a total cost not to exceed seven dollars in value per man. That muster and pay rolls be made out showing the amounts the recruits respectively owe to the traders and laundrymen, and signed by them before leaving the depot, and that the traders and laundrymen be paid on such rolls, the amount paid for each recruit to be noted accordingly on the muster and descriptive rolls, in order that it may be withheld, after he joins his company, by the paymaster, at the first subsequent payment, under such rules and regulations as may be adopted by the War Department: *Provided,* That this provision shall apply only to recruits on their enlistment, and the credit shall only be allowed on the written order of the regular recruiting officer at said station. [June 30, 1882.]

Traders and
laundrymen at
recruiting depots
may furnish cer-
tain articles to
recruits;—how
paid.

R. S., §§ 1299-
1302.

1878, June 17,
ch. 263, § 5, *ante*,
p. 189.

(3) By the death of General William T. Sherman, retired, February 14, 1891, this provision has now expired. See R. S., § 1094.

CHAP. 255.—An act making appropriations for the support of the Military Academy for the fiscal year ending June thirtieth, eighteen hundred and eighty-three, and for other purposes.

June 30, 1882.

22 Stat. L., 123.

Be it enacted, &c. * * [Par. 1.] Hereafter no graduate of the Military Academy shall be assigned or detailed to serve at said academy as a professor, instructor, or assistant to either within four years after his graduation. * *

No graduate to
be professor, &c.,
within 4 years.

R. S., § 1313.

1880, June 1, ch.

115, *ante*, p. 290.

Pay of cadets.

R. S., § 1339.

Assistant to
commissary.

1876, Aug. 7, ch.

255, *ante*, p. 116.

[Par. 2.] For pay of cadets; * * and no cadet shall receive more than at the rate of five hundred and forty dollars a year.

And the Secretary of War is hereby authorized to detail a commissary-sergeant to act as assistant to the commissary of cadets. [June 30, 1882.]

July 1, 1882.

22 Stat. L., 126.

Capitol grounds
—regulations.

R. S., §§ 1819-
1821.

1876, April 29,
par. 4, *ante*, p. 115.

Public travel re-
stricted.

CHAP. 258.—An act to regulate the use of the Capitol Grounds.

Whereas the Capitol Grounds have been formed to subserve the quiet and dignity of the Capitol of the United States, and to prevent the occurrence near it of such disturbances as are incident to the ordinary use of public streets and places: Therefore the following statute for the regulation of the public use of said grounds is hereby enacted:

ch. 86, *ante*, p. 100. 1876, July 31, ch. 246,

Be it enacted, &c., That public travel in and occupancy of the Capitol Grounds shall be restricted to the roads, walks, and places prepared for the purpose by flagging, paving, or otherwise.

SEC. 2. That it is forbidden to occupy the roads in such manner as to obstruct or hinder their proper use, to drive violently upon them, or with animals not under perfect control, or to use them for the conveyance of goods or merchandise, except to or from the Capitol on government service.

Obstruction to
roads forbidden.

SEC. 3. That it is forbidden to offer or expose any article for sale; to display any sign, placard, or other form of advertisement; to solicit fares, alms, subscriptions, or contributions.

Sale of articles,
&c., on.

Injury to statues, seat, wall, tree, shrub, &c.

SEC. 4. That it is forbidden to step or climb upon, remove, or in any way injure any statue, seat, wall, or other erection, or any tree, shrub, plant, or turf.

Fire-works, loud, threatening, or abusive language.

SEC. 5. That it is forbidden to discharge any fire-arm, fire-work, or explosive, set fire to any combustible, make any harangue or oration, or utter loud, threatening, or abusive language.

Parades or assemblages, &c.

SEC. 6. That it is forbidden to parade, stand, or move in processions or assemblages, or display any flag, banner, or device designed or adapted to bring into public notice any party, organization, or movement.

Penalties.

SEC. 7. That offenses against this act shall be triable before the police court of the District of Columbia, and shall be punishable by fine or imprisonment, or both, at the discretion of the judge of said court; the fine not to exceed one hundred dollars, the imprisonment not to exceed sixty days. But in the case of heinous offenses by reason of which public property shall have suffered damage to an amount exceeding one hundred dollars in value, said judge of the police court may commit or hold to bail the offender for trial before the supreme court of the District of Columbia, when the offense shall be punishable by imprisonment in the penitentiary for a period of not less than six months nor more than five years.

Duties of policemen, watchmen, &c.

SEC. 8. That it shall be the duty of all policemen and watchmen having authority to make arrests in the District of Columbia to be watchful for offenses against this act, and to arrest and bring before the proper tribunal those who shall offend against it under their observation, or of whose offenses they shall be advised by witnesses.

1882, Aug 5, ch. 389, par. 7, post, p. 374.

Capitol employés to aid in preserving order, &c.

SEC. 9. That it shall be the duty of all persons employed in the service of the government in the Capitol or on its grounds to prevent, as far as may be in their power, offenses against this act, and to aid the police, by information or otherwise, in securing the arrest and conviction of offenders.

National occasions, celebrations, &c.: regulations may be suspended in part.

SEC. 10. That in order to admit of the due observance within the Capitol Grounds of occasions of national interest becoming the cognizance and entertainment of Congress, the President of the Senate and the Speaker of the House of Representatives, acting concurrently, are hereby authorized to suspend for such proper occasions so much of the above prohibitions as would prevent the use of the roads and walks of the said grounds by processions or assemblages, and the use upon them of suitable decorations, music, addresses, and ceremonies:

— if responsible officers have been appointed.

Provided, That responsible officers shall have been appointed, and arrangements determined, adequate, in the judgment of said President of the Senate and Speaker of the House of Representatives, for the maintenance of suitable order and decorum in the proceedings, and for guarding the Capitol and its grounds from injury.

When Capitol police commission may suspend regulations.

SEC. 11. That in the absence from Washington of either of the officers designated in the last section the authority therein given to suspend certain prohibitions of this act shall devolve upon the other, and in the absence from Washington of both it shall devolve upon the Capitol police commission. [July 1, 1882.]

July 1, 1882.

CHAP. 259.—An act to authorize the supreme court of the District of Columbia to appoint two additional criers.

22 Stat. L., 127.

Two additional criers for supreme court of District of Columbia.

R. S. of D. C., § 902.

Be it enacted, &c., That the supreme court of the District of Columbia be, and is hereby, authorized and empowered to appoint two additional criers to attend the sessions of the said court in its different branches to which they may be severally assigned by the chief justice thereof. The compensation of the said criers shall be each four dollars per day during actual attendance upon the said court, payable as the other officers of the court are paid. [July 1, 1882.]

CHAP. 262.—An act making appropriations for the consular and diplomatic service of the government for the fiscal year ending June thirtieth, eighteen hundred and eighty-three, and for other purposes.

July 1, 1882.

22 Stat. L., 133.

Be it enacted, &c., * * And hereafter the Secretary of State shall in the estimates for the annual expenditures of the expenses of diplomatic and consular service estimate for the entire amount required for its support, including all commercial agents and other officers, whether paid by fees or otherwise, specifying the compensation to be allowed or deemed advisable in each individual case. * * [July 1, 1882.]

Secretary of State to estimate for entire amount for diplomatic service, &c.
R. S., § 3660.

CHAP. 263.—An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June thirtieth, eighteen hundred and eighty-three, and for other purposes.

July 1, 1882.

22 Stat. L., 135.

Be it enacted, &c., * * [Par. 1.] And the office of assistant inspector of gas and meters for the District of Columbia is hereby abolished. * *

Assistant inspector of gas abolished.

1874, June 23, ch. 490,

§ 2, ante, p. 52.

[Par. 2.] That from and after the fifteenth day of July, one thousand eight hundred and eighty-two, the board of school trustees of the District of Columbia shall consist of nine members only.

Board of school trustees to consist of nine members.

1878, June 11, ch.

180, § 6, ante, p. 178.

SEC. 2. That hereafter the operations of the water department of the District of Columbia shall be under the direction of the engineer's office of the District, subject to the control of the Commissioners; and the following sums are hereby appropriated to carry on such operations, to be paid wholly from the revenues of the water department of the District unless otherwise noted: * * *

Water department to be under engineer's office, &c.

1878, June 11, ch.

180, § 2, ante, p.

174. 1891, March

3, ch. 546, § 2, post, p. 932.

Provided, That the fiscal year of the water department of the District of Columbia, shall be made to conform to the regular fiscal year of the general government; and to carry this proviso into effect the Commissioners are empowered and directed to levy and collect water-rates now authorized for the six months beginning January first, eighteen hundred and eighty-three, from and after the expiration of which time the rates shall be levied and collected annually:

Fiscal year of water department.

R. S. of D. C.,

§§ 195, 221.

And provided further, That hereafter the Treasurer, as ex-officio sinking-fund commissioner, with the approval of the Secretary of the Treasury, is hereby authorized and empowered to purchase any of the funded indebtedness of the District of Columbia for the sinking-fund authorized to be created for the redemption and payment of the water-stock bonds of the District of Columbia, as in his opinion may be for the best interest of said District of Columbia.

Any funded debt may be purchased for sinking fund for payment of water bonds.

1881, March 3,

ch. 134, par. 6,

ante, p. 322.

SEC. 3. (1) That hereafter all moneys appropriated for the expenses of the government of the District of Columbia, together with all revenues of the District of Columbia from taxes or otherwise, shall be deposited in the Treasury of the United States as required by the provisions of section four of an act approved June eleventh, eight hundred and seventy-eight, and shall be drawn therefrom only on requisition of the Commissioners of the District of Columbia (except that the moneys appropriated for interest and the sinking-fund shall be drawn therefrom only on the requisition of the Treasurer of the United States), such requisition specifying the appropriation upon which the same is drawn;

Revenues, &c., of District of Columbia to be deposited in Treasury United States.

1878, June 11,

ch. 130, § 4, ante,

p. 176.

And in no case shall such appropriation be exceeded either in requisition or expenditure;

Appropriations not to be exceeded.

And the accounts for all disbursements of the Commissioners of said District shall be made monthly to the accounting officers of the Treasury by the auditor of the District of Columbia, on vouchers certified by the Commissioners, as now required by law. * * *

Disbursement accounts made monthly.

[July 1, 1882.]

NOTE.—(1) The provisions of this section are repeated in the subsequent appropriation act (23 Stat. L., 470).

July 6, 1882.

CHAP. 272.—An act to authorize the changing of Alley-Ways in the City of Washington.

22 Stat. L., 151.
District of Columbia.

Alleyways in, how may be closed on petition of owners of the square and new alleys opened.

R. S. of D. C., § 490.

Copy of order and plot to be recorded.

New alley-way dedicated to public.

Be it enacted, &c., That whenever all the owners of an entire square, or all the owners of a part of a square bounded on all sides by public streets, in the city of Washington, District of Columbia, shall present to the Commissioners of the District of Columbia, a petition asking that any alley or alleys within said square or part of square may be closed wholly or partially, and shall in said petition offer to dedicate for public use, and shall so dedicate if in the opinion of the Commissioners of said District such dedication is necessary, as alleyways, ground owned by the petitioners in amount equal at least in area to that of the alley-way sought to be closed, and shall also present to said Commissioners with said petition a correct plot of such square or part of square signed by all of the owners thereof, upon which shall be accurately delineated the positions and dimensions of the existing alley way or ways, and a subdivision of the entire area of the alley or alleys, sought to be closed into parcels according to an agreement of all said owners for the future ownership of the same, the name of the agreed future owner of each parcel being marked thereon, and showing also the position and dimensions of the new alley way or ways proposed to be substituted therefor, it shall be the duty of said Commissioners, upon being satisfied of the truth of the facts stated in the petition as to ownership and of correctness of the plot, and also that the proposed change will not be detrimental to the public convenience, to make an order declaring the existing alley-way or ways closed as prayed for, and opening the new alley way or ways proposed to be substituted therefor.

SEC. 2. That the Commissioners shall cause a certified copy of the order to be attached to the plot and delivered to the petitioners, who may file the same for record with the recorder of deeds of the District, who shall record the same as other instruments affecting real estate, and thereafter the right of the public to use the alley-way or ways declared closed, and the proprietary interest of the United States therein, shall forever cease and determine, and the title to the same shall be vested according to the agreement of the owners as shown in the aforesaid plot, each person being thenceforward the owner in fee-simple of the parcel or parcels upon which his name shall be marked as provided in section one.

The new alley-way or ways described in said order and delineated on said plot shall thereafter be and remain dedicated to public use as alleyways, and like other alleys of said City, shall be under the care and control of the City Authorities. [July 6, 1882.]

July 7, 1882.

CHAP. 277. An act to create a district for the inspection of hulls and boilers of steam-vessels.

22 Stat. L., 158.

Board of inspectors of hulls and boilers at Gallipolis, Ohio.

R. S., §§ 4414, 4415.

Be it enacted, &c., That for the inspection of hulls and boilers of steam vessels there is hereby created a local board of inspectors to be located at Gallipolis, Ohio, in which there shall be one inspector of hulls and one inspector of boilers, one of whom shall be transferred from the office of the local board of inspectors at Cincinnati, Ohio, and one from the office of the local board of inspectors at Wheeling, West Virginia, each of whom shall receive per annum the same compensation he may be receiving at the time of the passage of this act; and thereafter in case of a vacancy in the office of inspector of hulls or in the office of inspector of boilers, such vacancy shall be filled in the manner provided in section forty-four hundred and fifteen of the Revised Statutes. [July 7, 1882.]

CHAP. 289.—An act to more effectually punish house-breaking in the District of Columbia, and for other purposes.

July 12, 1882.

22 Stat. L., 162.

Be it enacted, &c., That every person, his aiders, abettors, and counselors, who shall either in the night or day, break and enter, or who shall in the night-time enter without breaking into any dwelling-house, bank, store, warehouse, shop, stable, or other building or any vessel, canal-boat, or other water craft, or any railroad car, in the District of Columbia, with intent to commit any larceny or other felony or misdemeanor therein, shall be imprisoned not more than ten years.

District Columbia. Punishment for house-breaking, &c., in.

R. S. of D. C., § 1154.

1878, April 17, ch. 60, *ante*, p. 157.

SEC. 2. That every person who shall enter any dwelling-house, bank, store, warehouse, shop, stable, or other building or any vessel, canal-boat, or other water craft, or any railroad car, or any yard where lumber, coal, or any sort of goods and chattels are deposited and kept for the purpose of trade in the District of Columbia, with the intent maliciously to injure or destroy any of the buildings, vessels, boats, or cars, aforesaid, or any part thereof, or any property or effects deposited or kept therein, or any property or effects deposited or kept in or upon any such yard or with intent to slay, kill, maim, or assault any person being in or upon any of the premises aforesaid, upon conviction thereof, shall be imprisoned not more than fifteen years.

—for entry with intent to maliciously injure or destroy.

This act shall not affect any offense committed or indictment found before its passage. [July 12, 1882.]

—act not retroactive.

CHAP. 290.—An act to enable national-banking associations to extend their corporate existence, and for other purposes.

July 12, 1882.

22 Stat. L., 162.

Be it enacted, &c., That any national banking association organized under the acts of February twenty-fifth, eighteen hundred and sixty-three, June third eighteen hundred and sixty-four, and February fourteenth, eighteen hundred and eighty, or under sections fifty-one hundred and thirty-three, fifty-one hundred and thirty-four, fifty-one hundred and thirty-five, fifty-one hundred and thirty-six, and fifty-one hundred and fifty-four of the Revised Statutes of the United States, may, at any time within the two years next previous to the date of the expiration of its corporate existence under present law, and with the approval of the Comptroller of the Currency, to be granted, as hereinafter provided, extend its period of succession by amending its articles of association for a term of not more than twenty years from the expiration of the period of succession named in said articles of association, and shall have succession for such extended period, unless sooner dissolved by the act of shareholders owning two-thirds of its stock, or unless its franchise become forfeited by some violation of law, or unless hereafter modified or repealed.

National banks may extend corporate existence for twenty years.

R. S., §§ 5133, 5136, 5154.

1880, Feb. 14, ch. 25, *ante*, p. 278.

SEC. 2. That such amendment of said articles of association shall be authorized by the consent in writing of shareholders owning not less than two-thirds of the capital stock of the association; and the board of directors shall cause such consent to be certified under the seal of the association, by the president or cashier, to the Comptroller of the Currency, accompanied by an application made by the president or cashier for the approval of the amended articles of association by the Comptroller;

Consent in writing of two-thirds of shareholders.

And such amended articles of association shall not be valid until the Comptroller shall give to such association a certificate under his hand and seal that the association has complied with all the provisions required to be complied with, and is authorized to have succession for the extended period named in the amended articles of association.

Comptroller to make examination and issue certificate.

SEC. 3. That upon the receipt of the application and certificate of the association provided for in the preceding section, the Comptroller of the Currency shall cause a special examination to be made, at the expense of the association, to determine its condition; and if after such examination or otherwise, it appears to him that said association is in a satisfactory condition, he shall grant his certificate of approval provided for in the preceding section, or if it appears that the condition of said association is not satisfactory, he shall withhold such certificate of approval.

Rights, privileges, &c., of banks preserved.

SEC. 4. That any association so extending the period of its succession shall continue to enjoy all the rights and privileges and immunities granted and shall continue to be subject to all the duties, liabilities, and restrictions imposed by the Revised Statutes of the United States and other acts (1) having reference to national banking associations, and it shall continue to be in all respects the identical association it was before the extension of its period of succession:

Venue of suits by and against banks.

1888, Aug. 13, ch. 866, § 4, *post*, p. 614.

17 Fed. Rep. 508.
26 Fed. Rep. 677.
120 U. S. 778.

Provided, however, That the jurisdiction for suits hereafter brought by or against any association established under any law providing for national-banking associations, except suits between them and the United States, or its officers and agents, shall be the same as, and not other than, the jurisdiction for suits by or against banks not organized under any law of the United States which do or might do banking business where such national-banking association may be doing business when such suits may be begun: And all laws and parts of laws of the United States inconsistent with this proviso be, and the same are hereby, repealed.

Shareholder not consenting may withdraw upon condition, etc.

SEC. 5. That when any national-banking association has amended its articles of association as provided in this act, and the Comptroller has granted his certificate of approval, any shareholder not assenting to such amendment may give notice in writing to the directors, within thirty days from the date of the certificate of approval, of his desire to withdraw from said association, in which case he shall be entitled to receive from said banking association the value of the shares so held by him, to be ascertained by an appraisal made by a committee of three persons, one to be selected by such shareholder, one by the directors, and the third by the first two; and in case the value so fixed shall not be satisfactory to any such shareholder, he may appeal to the Comptroller of the Currency, who shall cause a reappraisal to be made, which shall be final and binding; and if said reappraisal shall exceed the value fixed by said committee, the bank shall pay the expenses of said reappraisal, and otherwise the appellant shall pay said expenses; and the value so ascertained and determined shall be deemed to be a debt due, and be forthwith paid, to said shareholder from said bank; and the shares so surrendered and appraised shall, after due notice, be sold at public sale, within thirty days after the final appraisal provided in this section:

Shareholders of expiring bank to have preference in taking shares of new ones.

Provided, That in the organization of any banking association intended to replace any existing banking association, and retaining the name thereof, the holders of stock in the expiring association shall be entitled to preference in the allotment of the shares of the new association in proportion to the number of shares held by them respectively in the expiring association.

Redemption of circulating notes.

1874, June 20, ch. 343, § 3, *ante*, p. 27.

SEC. 6. That the circulating notes of any association so extending the period of its succession which shall have been issued to it prior

NOTE.—(1) The following are all the other general acts in force relating to national banks passed between the date of the Revised Statutes and the close of the 51st Congress, March 3, 1891: 1874, June 20, ch. 343, *ante* p. 27, reserve, redemption, circulation, &c.; 1874, June 23, ch. 455, par. 2, *ante*, p. 42, maceration of notes; 1875, Jan. 14, ch. 15, *ante*, p. 58, repeal of limit on circulation; 1875, Jan. 19, ch. 19, *ante*, p. 59, circulation of gold banks; 1875, Feb. 8, ch. 36, §§ 19-21, *ante*, p. 61, circulation tax; 1875, Feb. 19, ch. 89, *ante*, p. 63, compensation of examiners; 1875, June 30, ch. 156, *ante*, p. 107, receivers; 1879, Mar. 1, ch. 125, § 22, *ante*, p. 243, taxes on insolvent banks; 1880, Feb. 14, ch. 25, *ante*, p. 278, conversion of gold banks; 1881, Feb. 26, ch. 82, *ante*, p. 318, authority of notary; 1883, Mar. 3, ch. 121, § 1, *post*, p. 404, repeal of taxes; 1886, Mar. 29, ch. 39, *post*, p. 488, purchase of property by receiver of insolvent bank; 1886, May 1, ch. 73, *post*, p. 490, change of capital, title, and location; 1887, Mar. 3, ch. 378, *post*, p. 566, reserve cities; 1888, Aug. 13, ch. 866, § 4, *post*, p. 614, jurisdiction of courts; 1890, July 14, ch. 708, § 6, *post*, p. 775, deposits in Treasury; 1890, Oct. 1, ch. 1246, *post*, p. 870, trust companies, D. C.

to such extension shall be redeemed at the Treasury of the United States, as provided in section three of the act of June twentieth, eighteen hundred and seventy-four, entitled "An act fixing the amount of United States notes, providing for redistribution of national-bank currency, and for other purposes," and such notes when redeemed shall be forwarded to the Comptroller of the Currency, and destroyed as now provided by law;

And at the end of three years from the date of the extension of the corporate existence of each bank the association so extended shall deposit lawful money with the Treasurer of the United States sufficient to redeem the remainder of the circulation which was outstanding at the date of its extension, as provided in sections fifty-two hundred and twenty-two, fifty-two hundred and twenty-four, and fifty-two hundred and twenty five of the Revised Statutes;

And any gain that may arise from the failure to present such circulating notes for redemption shall inure to the benefit of the United States;

And from time to time, as such notes are redeemed or lawful money deposited therefor as provided herein, new circulating notes shall be issued as provided by this act, bearing such devices, to be approved by the Secretary of the Treasury, as shall make them readily distinguishable from the circulating notes heretofore issued:

Provided, however, That each banking association which shall obtain the benefit of this act shall reimburse to the Treasury the cost of preparing the plate or plates for such new circulating notes as shall be issued to it.

SEC. 7. That national-banking associations whose corporate existence has expired or shall hereafter expire, and which do not avail themselves of the provisions of this act, shall be required to comply with the provisions of sections fifty-two hundred and twenty one and fifty-two hundred and twenty-two of the Revised Statutes in the same manner as if the shareholders had voted to go into liquidation, as provided in section fifty-two hundred and twenty of the Revised Statutes; and the provisions of sections fifty-two hundred and twenty-four and fifty-two hundred and twenty-five of the Revised Statutes shall also be applicable to such associations, except as modified by this act; and the franchise of such association is hereby extended for the sole purpose of liquidating their affairs until such affairs are finally closed.

SEC. 8. That national banks now organized or hereafter organized, having a capital of one hundred and fifty thousand dollars, or less, shall not be required to keep on deposit or deposit with the Treasurer of the United States United States bonds in excess of one-fourth of their capital stock as security for their circulating notes; but such banks shall keep on deposit or deposit with the Treasurer of the United States the amount of bonds as herein required.

And such of those banks having on deposit bonds in excess of that amount are authorized to reduce their circulation by the deposit of lawful money as provided by law; *provided* That the amount of such circulating notes shall not in any case exceed ninety per centum of the par value of the bonds deposited as herein provided:

Provided further, That the national banks which shall hereafter make deposits of lawful money for the retirement in full of their circulation shall at the time of their deposit be assessed for the cost of transporting and redeeming their notes then outstanding, a sum equal to the average cost of the redemption of national-bank notes during the preceding year, and shall thereupon pay such assessment.

And all national banks which have heretofore made or shall hereafter make deposits of lawful money for the reduction of their circulation shall be assessed and shall pay an assessment in the manner specified in section three of the act approved June twentieth, eighteen hundred and seventy-four, for the cost of transporting and

Deposit of money with U. S. Treasurer for redemption of circulating notes.
R. S., §§ 5222, 5224, 5225.

Gains from lost notes to inure to United States. 1890, July 14, ch. 708, § 6, *post*, p. 775.

New notes to be distinguishable from old.

Cost of plates to be paid by banks.

Closing of banks not accepting provisions of act.
R. S., §§ 5220-5222, 5224, 5225.

Bonds for security of circulation not to exceed one-fourth of capital.

Circulation not to exceed ninety per cent. of par of bonds deposited.

Cost of transportation of circulation outstanding to be paid by banks.
1874, June 20, ch. 343, § 3, *ante*, p. 27.

redeeming their notes redeemed from such deposits subsequently to June thirtieth, eighteen hundred and eighty-one.

Withdrawal of circulation and deposit of money therefor.

R. S., §§ 5159, 5160, 5222.

1874, June 20, ch. 343, § 4, *ante*, p. 27.

1890, July 14, ch. 708, § 6, *post*, p. 775.

SEC. 9. That any national banking association now organized, or hereafter organized, desiring to withdraw its circulating notes, upon a deposit of lawful money with the Treasurer of the United States, as provided in section four of the act of June twentieth, eighteen hundred and seventy-four, entitled "An act fixing the amount of United States notes, providing for a redistribution of national-bank currency, and for other purposes," or as provided in this act, is authorized to deposit lawful money and withdraw a proportionate amount of the bonds held as security for its circulating notes in the order of such deposits;

And no national bank which makes any deposit of lawful money in order to withdraw its circulating notes shall be entitled to receive any increase of its circulation for the period of six months from the time it made such deposit of lawful money for the purpose aforesaid:

Provided, That not more than three millions of dollars of lawful money shall be deposited during any calendar month for this purpose:

Called bonds not to be withdrawn.

And provided further, That the provisions of this section shall not apply to bonds called for redemption by the Secretary of the Treasury, nor to the withdrawal of circulating notes in consequence thereof.

Upon deposit of bonds, bank to receive notes in blank, &c.

Not exceeding 90 per cent. of paid-in capital.

R. S., §§ 5159, 5160.

1874, June 30, ch. 343, § 4, *ante*, p. 27.

SEC. 10. That upon a deposit of bonds as described by sections fifty-one hundred and fifty-nine and fifty-one hundred and sixty, except as modified by section four of an act entitled "An act fixing the amount of United States notes, providing for a redistribution of the national-bank currency, and for other purposes," approved June twentieth, eighteen hundred and seventy-four, and as modified by section eight, of this act, the association making the same shall be entitled to receive from the Comptroller of the Currency circulating notes of different denominations, in blank, registered and counter-signed as provided by law, equal in amount to ninety per centum of the current market value, not exceeding par, of the United States bonds so transferred and delivered, and at no time shall the total amount of such notes issued to any such association exceed ninety per centum of the amount at such time actually paid in of its capital stock;

And the provisions of sections fifty-one hundred and seventy-one and fifty-one hundred and seventy-six of the Revised Statutes are hereby repealed.

Three and a half per cent. bonds received in exchange for three per cent. registered bonds.

SEC. 11. That the Secretary of the Treasury is hereby authorized to receive at the Treasury any bonds of the United States bearing three and a half per centum interest, and to issue in exchange therefor an equal amount of registered bonds of the United States of the denominations of fifty, one hundred, five hundred, one thousand, and ten thousand dollars, of such form as he may prescribe, bearing interest at the rate of three per centum per annum, payable quarterly at the Treasury of the United States.

Exempt from taxes, &c.

Three per cent. bonds to be called last.

R. S., §§ 3699-3701.

1881, March 3, ch. 133, § 2, *ante*, p. 331.

Such bonds shall be exempt from all taxation by or under State authority, and be payable at the pleasure of the United States:

Provided, That the bonds herein authorized shall not be called in and paid so long as any bonds of the United States heretofore issued bearing a higher rate of interest than three per centum, and which shall be redeemable at the pleasure of the United States, shall be outstanding and uncalled. The last of the said bonds originally issued under this act, and their substitutes, shall be first called in, and this order of payment shall be followed until all shall have been paid.

Gold certificates in exchange for gold coin.

SEC. 12. That the Secretary of the Treasury is authorized and directed to receive deposits of gold coin with the Treasurer or assistant treasurers 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 United States notes.

The coin deposited for or representing the certificates of deposits shall be retained in the Treasury for the payment of the same on demand.

Said certificates shall be receivable for customs, taxes, and all public dues, and when so received may be reissued;

And such certificates, as also silver certificates, when held by any national-banking association, shall be counted as part of its lawful reserve; and no national-banking association shall be a member of any clearing-house in which such certificates shall not be receivable in the settlement of clearing-house balances:

Provided, That the Secretary of the Treasury shall suspend the issue of such gold certificates whenever the amount of gold coin and gold bullion in the Treasury reserved for the redemption of United States notes falls below one hundred millions of dollars;

And the provisions of section fifty-two hundred and seven of the Revised Statutes shall be applicable to the certificates herein authorized and directed to be issued.

SEC. 13. That any officer, clerk, or agent of any national-banking association who shall willfully violate the provisions of an act entitled "An act in reference to certifying checks by national banks," approved March third, eighteen hundred and sixty-nine, being section fifty-two hundred and eight of the Revised Statutes of the United States, or who shall resort to any device, or receive any fictitious obligation, direct or collateral, in order to evade the provisions thereof, or who shall certify checks before the amount thereof shall have been regularly entered to the credit of the dealer upon the books of the banking association, shall be deemed guilty of a misdemeanor, and shall, on conviction thereof in any circuit or district court of the United States, be fined not more than five thousand dollars, or shall be imprisoned not more than five years, or both, in the discretion of the court.

SEC. 14. That Congress may at any time amend, alter, or repeal this act and the acts of which this is amendatory. [July 12, 1882.]

CHAP. 294.—An act to increase the water-supply of the city of Washington, and for other purposes. (1)

Be it enacted, &c.

That the Secretary of War shall cause to be made a survey and map of the land necessary to extend the Washington Aqueduct from its present eastern terminus to the high ground north of Washington, near Sixth street extended, and of the land necessary for a reservoir at that point, the capacity of which shall not be less than three hundred million gallons; and a like survey and map of the land necessary for a dam across the Potomac River at Great Falls, including the land now occupied by the dam, and the land required for the extension of said dam across Conn's Island to and upon the Virginia shore; and when surveys and maps shall have been made the Secretary of War and the Attorney-General of the United States shall proceed to acquire to and for the United States the outstanding title, if any, to said land and water-rights, and to the land on which the gate-house at Great Falls stands by condemnation. * *

SEC. 2. That the Secretary of War be, and is hereby, authorized and directed to extend the Washington Aqueduct from its present eastern terminus to the high ground north of Washington near Sixth street extended;

And that he construct at that point a reservoir of the capacity of not less than three hundred millions gallons, erect the necessary gate-house, and lay such main-connections as may be necessary to furnish to Washington and Georgetown an ample supply of water;

And that he complete the dam at Great Falls to the level of one hundred and forty-eight feet above tide, and extend the same at that level across Conn's Island to the Virginia shore;

NOTE.—(1) This act is generally temporary, making provision for a single public work, and, but for the provisions of the latter part of § 3, would be omitted from this volume, as are all other acts providing for public works. That section contains important permanent legislation. The retained portions of § 1 and § 2 are necessary to an understanding of § 3. All the rest of the act is temporary or has expired.

R. S., § 254.
1878, Feb. 28, ch. 20, § 3, *ante*, p. 152.

1878, June 8, ch. 170, *ante*, p. 170, *ante*, p. 173.

For what purpose they and silver certificates may be used.

R. S., §§ 254, 3009.

Issue of gold certificates may be suspended.

Penalty for using U. S. notes for collateral.

R. S., § 5207.
Punishment for falsely certifying checks, &c.

R. S., § 5208.

17 Opins., 471.

Act may be repealed, altered, &c.

July 15, 1882.

22 Stat. L., 168.

Secretary of War to acquire land and water-rights for increase of water-supply of Washington, D.C.
R. S., §§ 1800-1811.

—to extend Washington aqueduct, &c.; complete dam at Great Falls, extend same, &c.

And that he raise the embankment between the Potomac River and the Chesapeake and Ohio Canal above the dam, so as to protect the canal from the increased flooding which the completion of the dam will cause in times of high water, or pay to the canal company, in full satisfaction for all such flooding, the amount herein-after appropriated for that purpose.

Fish-ways.
1864, July 4, ch.
178 (23 Stat. L., 72).

SEC. 3. * * To provide for the erection of suitable fishways at the Great Falls of the Potomac and at the dam to be constructed under the provisions of this act in accordance with plans and specifications to be prescribed by the United States Commissioner of Fish and Fisheries, * *

Half cost to be charged to capital and bear interest.
R. S., of D. C., §§ 195-221.

1876, July 12, ch. 180 § 18, ante, p. 111.

1878, June 11, ch. 180, § 3, ante, p. 176.

1879, June 10, ch. 16, ante, p. 264.

1884, July 5, ch. 227, pars. 6, 7, post, p. 464.

Water rents to be regulated and credited till bonds are redeemed.

Provided further, That one-half the cost of said improvement, excluding the fish-way, shall be annually computed and stated by the Treasurer of the United States, and charged to a capital account on the books of the Treasury, and that interest at the rate of three per centum per annum thereon shall be annually computed and charged to said account, and that any surplus of water rents over and above the expense of maintaining the works and appendages and paying the charges for interest and sinking fund for the redemption of outstanding bonds heretofore issued for the extension of said water works in the city of Washington shall be paid into the Treasury of the United States by the officer who may be charged with the collection of the same, and credited to the account thus created, until the same shall be finally extinguished.

And the water rents shall be so regulated from time to time as to be at least sufficient to pay the expenses of maintaining the said works and appendages and the interest on the capital account created in accordance with this provision in addition to charges now imposed thereon by law.

— and afterwards paid into the Treasury of U. S.

After the extinguishment of said account and until further action by Congress the surplus water rents shall be paid into the Treasury of the United States. [July 15, 1882.]

July 20, 1882.

CHAP. 312.—An act to divide the State of Iowa into two Judicial Districts. (1)

22 Stat. L., 172.
Iowa judicial districts.
R. S., § 537.

Northern district.

Southern district.

Judges.

District attorneys and marshals.

Be it enacted, &c., That the State of Iowa be, and the same is hereby, divided into two judicial districts, in manner following, to-wit:

The Counties of Clinton, Jones, Linn, Benton, Black Hawk, Grundy, Hardin, Hamilton, Webster, Calhoun, Sac, Ida, Monona, and all the counties north of those named shall constitute a new district, to be known as the northern district of Iowa.

The remaining counties of the State shall constitute the southern district of Iowa; and the present district court of Iowa, from and after the passage of this act, shall be known as the district court for the southern district of Iowa.

SEC. 2. That the present judge of the district of Iowa is hereby declared to be the district judge for the southern district of Iowa; and the President of the United States be, and is hereby, authorized and directed, by and with the advice and consent of the Senate, to appoint a district judge for the northern district of Iowa.

SEC. 3. That the district attorney and United States marshal for the district of Iowa shall be the district attorney and marshal of the southern district of Iowa, and the President of the United States, by

NOTE.—(1) By R. S., § 531, the State of Iowa is made a single judicial district, with (R. S., §§ 550, 572) four divisions and a deputy clerk in each division. District court was to be held at Dubuque, Keokuk, Des Moines, and Council Bluffs, and (§ 596) intermediate terms under circumstances specified. Circuit court (§ 656) was held at Des Moines. By 1874, Feb. 9, ch. 24, ante, p. 3, the times of holding court at Keokuk and Council Bluffs was changed. By 1860, June 4, ch. 120, ante, p. 290, the circuit court is to be held at the times and places fixed for the district court. By 1862, July 20, ch. 312, above, the State is divided into the northern and southern districts and each of these into the eastern, central, and western divisions, with courts in the northern district at Dubuque in the eastern division, Fort Keokuk in the central division, and Sioux City in the western division; and in the southern district at Dubuque in the eastern division, Des Moines in the central division, and Council Bluffs in the western division. The two district judges (§ 6) may hold circuit court together. By 1868, Apr. 19, ch. 127, post, p. 584, entirely superseding 1864, Feb. 23, ch. 8 (23 Stat. L., 3), making provision on the same subject, the times for holding court at Sioux City, Fort Dodge, and Dubuque are changed. By 1891, Feb. 24, ch. 202, post, p. 865, certain counties in each district are made the Cedar Rapids division of the northern district, with court at Cedar Rapids.

and with the advice and consent of the Senate, is authorized and directed to appoint one person as marshal and one as district attorney for the northern district of Iowa. Iowa — judicial districts.

SEC. 4. That there shall be appointed by the judge of the northern district of Iowa, with the approval of the circuit judge of the eighth judicial circuit, a clerk for the district and circuit courts in and for said northern district of Iowa. The persons now acting as clerks for the district of Iowa shall be the clerks for the southern district of Iowa. Clerks.
1889, Feb. 6, ch. 113, § 3, post, p. 639.

SEC. 5. That for the purpose of holding terms of court the northern district shall be divided into (2) three divisions, to be known as the eastern, central, and western divisions. Division of northern district.

The counties of Clinton, Jackson, Jones, Linn, Benton, Black Hawk, Buchanan, Delaware, Dubuque, Clayton, Fayette, Bremer, Floyd, Chickasaw, Mitchell, Howard, Winneshiek, and Allamakee shall constitute the eastern division, the courts for which shall be held at the city of Dubuque. —eastern.

The counties of Grundy, Hardin, Hamilton, Webster, Calhoun, Pocahontas, Palo Alto, Emmett, Kossuth, Humboldt, Wright, Hancock, Winnebago, Worth, Cerro Gordo, Franklin, and Butler shall constitute the central division, the courts for which shall be held at Fort Dodge. —central.

The Counties of Monona, Woodbury, Plymouth, Sioux, Lyon, Osceola, O'Brien, Cherokee, Ida, Sac, Buena Vista, Clay, and Dickinson shall constitute the Western division, the courts for which shall be held at Sioux City. —western.

SEC. 6. That for the purpose of holding terms of Court the Southern district of Iowa shall be divided into three divisions to be known as the eastern, central, and western divisions. Divisions of southern district.

The counties of Scott, Cedar, Muscatine, Washington, Louisa, Keokuk, Appanoose, Davis, Wapello, Jefferson, Van Buren, Henry, Des Moines, and Lee shall constitute the eastern division, in which the courts shall be held at the city of Keokuk. —eastern.

The counties of Johnson, Iowa, Poweshiek, Mahaska, Jasper, Tama, Marshall, Story, Boone, Greene, Guthrie, Adair, Dallas, Polk, Madison, Warren, Marion, Clark, Lucas, Decatur, Monroe, and Wayne shall constitute the central division for which the courts shall be held at the city of Des Moines. —central.

The counties of Carroll, Crawford, Harrison, Shelby, Audubon, Cass, Pottawattamie, Mills, Montgomery, Adams, Union, Ringgold, Taylor, Page and Fremont shall constitute the western division, in which the courts shall be held at the city of Council Bluffs: * * —western.

(3) [Part omitted is repealed by 1890, Sept. 29, ch. 1048, 26 Stat. L., 502.]

SEC. 7. That courts under this act shall be held at (4) Dubuque, Keokuk, Des Moines and Council Bluffs at such times as are now fixed by law; Terms of courts.

[Part omitted is superseded by 1888, Apr. 19, ch. 127, post, p. 584.]

SEC. 8. That the circuit judge of the eighth judicial circuit may, by order, direct the judges of the said northern and southern districts of Iowa to sit together in holding the circuit court in either of said districts; and when so sitting the judge oldest in commission shall preside, and in case of disagreement between them his opinion shall prevail for the time being: Circuit court in either district held by both judges, &c.

Provided, however, That a certificate of division may be signed by them with like effect as in cases provided by law for certificates of division between a circuit and district judge. Certificate of division.
R. S., §§ 650-652.

SEC. 9. That all civil suits not of a local nature must be brought in the division of the northern or southern district where the defend- Civil suits not local to be brought

(2) See note (1) on p. 358.

(3) The words omitted provided that the additional courts should be held in buildings provided without expense to the U. S. and are repealed by the act cited.

(4) The times of holding court in the northern district are now fixed by 1868, April 19, ch. 127, post p. 564, and 1891, Feb. 24, ch. 232, post, p. 895. See note (1) p. 358.

where defendant resides.

R. S., § 740.
R. S., § 536.

—against non-residents may be brought where defendant is found.
103 U. S., 796.

ant or defendants reside; but if there are two or more defendants, residing in different divisions, the action may be brought in either of the divisions in which a defendant resides.

When the defendant is a non-resident of either district, action may be brought in any division of either district wherein the defendant may be found. Causes removed from any of the courts of the State of Iowa to the circuit court of the United States shall be removed to the circuit court in the division in which said State court is held.

SEC. 10. * * [Part omitted relates to pending cases.] * *

Crimes, &c., hereafter committed.

That all prosecutions for crimes or offenses hereafter committed in either of said districts shall be cognizable within such district;

* * [Part omitted relates to past offenses.] * *

SEC. 11. [Superseded 1891, March 3, ch. 517, § 4, post, p. 903.]
[July 20, 1882.]

July 25, 1882.

22 Stat. L., 174.

CHAP. 349.—An act making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June thirtieth, eighteen hundred and eighty-three, and for other purposes.

Detail of clerks to examine pension claims, powers, &c.

Substitute for R. S., § 4744.

R. S., § 183.
1875, March 3, ch. 190, and note, par. 5, ante, p. 73.
1879, June 21, ch. 34, § 3, ante, p. 267.

1891, March 3, ch. 548, § 3, post, p. 933.

Be it enacted, &c. [Makes appropriations.]

SEC. 2.—That section forty-seven hundred and forty-four, title fifty-seven of the Revised Statutes of the United States is hereby amended to read as follows: (1)

“SEC. 4744. The Commissioner of Pensions is authorized to detail from time to time (2) clerks or persons employed in his office to make special examinations into the merits of such pension or bounty land claims, whether pending or adjudicated, as he may deem proper, and to aid in the prosecution of any party appearing on such examinations to be guilty of fraud, either in the presentation or in procuring the allowance of such claims;

“And any person so detailed shall have power to administer oaths and take affidavits and depositions in the course of such examinations, and to orally examine witnesses, and may employ a stenographer, when deemed necessary by the Commissioner of Pensions, in important cases, such stenographer to be paid by such clerk or person, and the amount so paid to be allowed in his accounts.”

Subpœnas to witnesses to give depositions, or to testify before such detailed clerks having issues.

R. S., §§ 184-186.

SEC. 3. “That in addition to the authority conferred by section one hundred and eighty-four, title four of the Revised Statutes, any judge or clerk of any court of the United States in any State, District, or Territory shall have power, upon the application of the Commissioner of Pensions, to issue a subpœna for a 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, or before any officer, clerk, or person from the Pension Bureau designated or detailed to investigate or examine into the merits of any pension claim and authorized by law to administer oaths and take affidavits in such investigation or examination, there to give full and true answers to such written interrogatories and cross interrogatories as may be propounded, or to be orally examined and cross-examined upon the subject of such claims;

Witnesses' fees.

“And witnesses subpoenaed pursuant to this and the preceding section shall be allowed the same compensation as is allowed witnesses in the courts of the United States, and paid in the same manner.”

Commissioner of Pensions may appoint surgeons, etc.

SEC. 4. That the Commissioner of Pensions is hereby authorized to appoint surgeons who, under his control and direction shall make

NOTE.—(1) Sections 474 and 4744 of Revised Statutes are identical. This act makes a substitute for the latter, but does not refer to the former.

(2) See 1884, April 18, ch. 26, post, p. 425, making it a felony to impersonate a government officer.

such examination of pensioners and claimants for pension or increased pension as he shall require;

And he shall organize boards of surgeons, to consist of three members each, at such points in each State as he shall deem necessary, and all examinations, so far as practicable, shall be made by the boards, and no examination shall be made by one surgeon excepting under such circumstances as make it impracticable for a claimant to present himself before a board:

Provided, That the Commissioner may, when in his opinion the exigencies of the service require it, organize a board of three surgeons who, under his direction, shall review the work of any regularly-appointed board or surgeon:

Provided further, That all examinations shall be thorough and searching, and the certificate contain a full description of the physical condition of the claimant at the time, which shall include all the physical and rational signs and a statement of all structural changes.

The fee for each examination, and satisfactory certificate thereof, shall be two dollars to each member when made by a board, and two dollars when made by one surgeon: *Provided*, That when a claimant is so disabled as not to be able to present himself to a board of surgeons for examination, the Commissioner may order a surgeon to make the examination at the claimant's residence; and the fee for such examination shall be two dollars in addition to the payment of the actual traveling expenses of the surgeon: *Provided further*, That no fee shall be allowed or paid to any member of such board of examining surgeons who does not actually participate in such examination and sign the certificate thereof.

The Commissioner may, when in his judgment the degree of disability cannot be determined truthfully or satisfactorily excepting by expert examination, employ an expert, not a regularly appointed surgeon, to make the examination; and the fee for such examination shall be five dollars: *Provided*, That the fee for an expert examination shall not be paid to any regularly-appointed examining surgeon.

The fee for the examination of claimants who reside out of the United States shall not exceed ten dollars, which shall be paid, upon the presentation of satisfactory vouchers, out of the appropriation for the payment of the examining surgeons, and through the United States consulate nearest to the claimant's place of residence.

SEC. 5. That no person who is now receiving or shall hereafter receive a pension under a special act shall be entitled to receive in addition thereto a pension under the general law, unless the special act expressly states that the pension granted thereby is in addition to the pension which said person is entitled to receive under the general law. [July 25, 1882.]

Pensions.

Boards of surgeons.
R. S., §§ 4774-4777.

Reviewing boards.

Examinations.

Fee for examination, &c.
R. S., § 4774.
1889, March 1,
ch. 332, par. 2,
post, p. 670.

Expert surgeons to make examinations.

Fee for examining non-resident claimants.

Pension not to be drawn under both general and special laws.
R. S., §§ 4715, 4720.
1874, June 6,
ch. 219, ante, p. 11.
107 U. S., 64.

CHAP. 351.—An act to fix the times for holding terms of the Circuit and District courts of the United States, in the Northern District of Ohio.

July 27, 1882.

22 Stat. L., 176.

Be it enacted, &c., That the sessions of the Circuit and District Courts of the United States in the Northern District of Ohio, shall begin and be held as follows:

In Cleveland, in the eastern division, on the first Tuesday of February, April, and October of each year;

And in Toledo in the western division, on the first Tuesday of June and December of each year.

All acts and parts of acts inconsistent herewith, are hereby repealed. [July 27, 1882.]

Circuit and district courts in northern district of Ohio, where and when held.

R. S., §§ 572, 658.
1879, June 8,
ch. 169, ante, p. 172.

July 31, 1882.

CHAP. 360.—An act to amend section twenty-one hundred and thirty-three of the Revised Statutes in relation to Indian traders.

22 Stat. L., 179.

Penalty for residing in Indian country as trader, &c., without license, &c.

Substitute for R. S., § 2133.

1876, Aug. 15, ch. 289, § 5, ante, p. 121.

95 U. S., 204.

7 Fed. Rep., 903.

14 Fed. Rep., 821.

6 Sawyer, 17.

Be it enacted, &c., That section twenty-one hundred and thirty-three of the Revised Statutes of the United States be, and the same is hereby, amended so that it shall read:

“Any person other than an Indian of the full blood who shall attempt to reside in the Indian country, or on any Indian reservation, 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:

Provided, That this section shall not apply to any person residing among or trading with the Choctaws, Cherokees, Chickasaws, Creeks, or Seminoles, commonly called the five civilized tribes, residing in said Indian country, and belonging to the Union Agency therein:

And provided further, That no white person shall be employed as a clerk by any Indian trader, except such as trade with said five civilized tribes, unless first licensed so to do by the Commissioner of Indian Affairs, under and in conformity to regulations to be established by the Secretary of the Interior”. [July 31, 1882.]

July 31, 1882.

CHAP. 361.—An act to designate, classify, and fix the salaries of persons in the railway mail service.

22 Stat. L., 180.

Designation, classification, and salary of employés of railway mail service.

R. S., §§ 4017-4026.

23 C. Cls., 207.

Be it enacted, &c., That persons in the railway mail service, known as railway post-office clerks, route-agents, local agents, and mail-route messengers, shall, on and after the passage of this and be designated as railway postal clerks, and divided into five classes, whose salaries shall not exceed the following rates per annum:

First class, not exceeding eight hundred dollars;

Second class, not exceeding nine hundred dollars;

Third class, not exceeding one thousand dollars;

Fourth class, not exceeding one thousand two hundred dollars;

And fifth class, not exceeding one thousand four hundred dollars:

Provided, That the Postmaster General, in fixing the salaries of clerks in the different classes, may fix different salaries for clerks of the same class, according to the amount of work done and the responsibility incurred by each, but shall not, in any case, allow a higher salary to any clerk of any class than the maximum fixed by this act for the class to which such clerk belongs.

SEC. 2. [Makes a temporary appropriation.] [July 31, 1882.]

July 31, 1882.

CHAP. 363.—An act to provide additional industrial training-schools for Indian youth, and authorizing the use of unoccupied military barracks for such purpose.

22 Stat. L., 181.

Barracks may be set aside by Secretary of War for training-schools for Indian youths.

R. S., § 2071.

1879, June 23, ch. 35, § 7, ante, p. 268.

—money appropriated for education among Indians may be expended at.

Be it enacted, &c., That the Secretary of War be, and he is hereby, authorized to set aside, for use in the establishment of normal and industrial training-schools for Indian youth from the nomadic tribes having educational treaty claims upon the United States, any vacant posts or barracks, so long as they may not be required for military occupation, and to detail one or more officers of the Army for duty in connection with Indian education, under the direction of the Secretary of the Interior, at each such school so established:

Provided, That moneys appropriated or to be appropriated for general purposes of education among the Indians may be expended, under the direction of the Secretary of the Interior, for the education of Indian youth at such posts, institutions, and schools as he may consider advantageous, or as Congress from time to time may authorize and provide. [July 31, 1882.]

CHAP. 366.—An act to amend the statutes in relation to copyright.

August 1, 1882.

Be it enacted, &c., That manufacturers of designs for molded decorative articles, tiles, plaques, or articles of pottery or metal subject to copyright may put the copyright mark prescribed by section forty-nine hundred and sixty two of the Revised Statutes, and acts additional thereto, upon the back or bottom of such articles, or in such other place upon them as it has heretofore been usual for manufacturers of such articles to employ for the placing of manufacturers, merchants, and trade marks thereon. [August 1, 1882.]

22 Stat. L. 181.
Copyright mark; where may be put on designs, &c., for pottery or metal articles.
R. S., § 4962.
1874, June 18, ch. 301, *ante*, p. 15.
1891, March 3, ch. 565, *post*, p. 951.

CHAP. 373.—An act to amend sections three and four of the act of February twenty-first, eighteen hundred and seventy-nine, to fix the pay of letter-carriers, and for other purposes.

August 2, 1882.

Be it enacted, &c. [Sec. 1, superseded 1887, Jan. 3, ch. 14, *post*, p. 518.]
SEC. 2. That section four of the act aforesaid be, and the same is hereby, amended so that it will read as follows:

22 Stat. L., 185.

Letter-carriers.

“SEC. 4. Appointments of letter carriers in cities having two or more classes shall be made to the class having the minimum rate of pay, and promotions from the lower grades in said cities shall be made to the next higher grade at the expiration of one year's service, on certificate of the postmaster to the efficiency and faithfulness of the candidate during the preceding year:

Appointment and promotion.
Substitute for 1879, Feb. 21, ch. 95, § 4 (20 Stat. L., 317).

Provided, however, That the Postmaster General be, and he hereby is, authorized to appoint one or more substitute letter carriers, whose compensation shall be one dollar per annum and the pro-rata compensation of the carriers whose routes they may be required to serve: * * [Omitted words superseded, 1887, March 3, ch. 388, *post*, p. 567.]

Substitute carriers.
1884, June 27, ch. 126, *post*, p. 446.
1887, Jan. 3, ch. 14, *post*, p. 518.

SEC. 3. That all laws inconsistent herewith are repealed. [August 2, 1882.]

CHAP. 374.—An act to regulate the carriage of passengers by sea.

August 2, 1882.

22 Stat. L., 186.

Be it enacted, &c., That it shall not be lawful for the master of a steamship or other vessel whereon emigrant passengers, or passengers other than cabin passengers, have been taken at any port or place in a foreign country or dominion (ports and places in foreign territory contiguous to the United States excepted) to bring such vessel and passengers to any port or place in the United States unless the compartments, spaces, and accommodations hereinafter mentioned have been provided, allotted, maintained, and used for and by such passengers during the entire voyage; that is to say,

Emigrants and other than cabin passengers from foreign ports to be provided with compartments, &c.

1875, March 3, ch. 141, *ante*, p. 86.
1882, Aug. 3, ch. 376, *post*, p. 370.
— in steamship

In a steamship, the compartments or spaces, unobstructed by cargo, stores, or goods, shall be of sufficient dimensions to allow for each and every passenger carried or brought therein one hundred cubic feet, if the compartment or space is located on the main deck or on the first deck next below the main deck of the vessel, and one hundred and twenty cubic feet for each passenger carried or brought therein if the compartment or space is located on the second deck below the main deck of the vessel; and it shall not be lawful to carry or bring passengers on any deck other than the decks above mentioned.

And in sailing-vessels such passengers shall be carried or brought only on the deck (not being an orlop deck) that is next below the main deck of the vessel, or in a poop or deck-house constructed on the main deck; and the compartment or space, unobstructed by cargo, stores, or goods, shall be of sufficient dimensions to allow one

—in sailing-vessel.

hundred and ten cubic feet for each and every passenger brought therein.

Space per passenger.

And such passengers shall not be carried or brought in any between-decks, nor in any compartment, space, poop, or deck-house, the height of which from deck to deck is less than six feet.

Computation of children.

In computing the number of such passengers carried or brought in any vessel, children under one year of age shall not be included, and two children between one and eight years of age shall be counted as one passenger;

— persons picked up at sea.

And any person brought in such vessel who shall have been, during the voyage, taken from any other vessel wrecked or in distress on the high seas, or have been picked up at sea from any boat, raft, or otherwise, shall not be included in such computation.

Penalties.

The master of a vessel coming to a port or place in the United States in violation of either of the provisions of this section shall be deemed guilty of a misdemeanor; and if the number of passengers other than cabin passengers carried or brought in the vessel, or in any compartment, space, poop, or deck-house thereof, is greater than the number allowed to be carried or brought therein, respectively, as hereinbefore prescribed, the said master shall be fined fifty dollars for each and every passenger in excess of the proper number, and may also be imprisoned not exceeding six months.

Berths for passengers; rules and regulations for occupancy.

SEC. 2. That in every such steamship or other vessel there shall be a sufficient number of berths for the proper accommodation as hereinafter provided, of all such passengers.

There shall not be on any deck nor in any compartment or space occupied by such passengers more than two tiers of berths.

The berths shall be properly constructed, and be separated from each other by partitions, as berths ordinarily are separated, and each berth shall be at least two feet in width and six feet in length;

And the interval between the floor or lowest part of the lower tier of berths and the deck beneath them shall not be less than six inches, nor the interval between each tier of berths, and the interval between the uppermost tier and the deck above it, less than two feet six inches; and each berth shall be occupied by not more than one passenger over eight years of age; but double berths of twice the above-mentioned width may be provided, each double berth to be occupied by no more and by none other than two women, or by one woman and two children under the age of eight years, or by husband and wife, or by a man and two of his own children under the age of eight years, or by two men personally acquainted with each other.

— males.

All the male passengers upwards of fourteen years of age who do not occupy berths with their wives shall be berthed in the fore part of the vessel, in a compartment divided off from the space or spaces appropriated to the other passengers by a substantial and well-secured bulkhead;

— females, unmarried.

And unmarried female passengers shall be berthed in a compartment separated from the spaces occupied by other passengers by a substantial and well-constructed bulkhead, the opening or communication from which to an adjoining passenger space shall be so constructed that it can be closed and secured.

— families.

Families, however, shall not be separated except with their consent.

Serial numbers to berths, inspection, etc.

Each berth shall be numbered serially, on the outside berth-board, according to the number of passengers that may lawfully occupy the berth; and the berths occupied by such passengers shall not be removed or taken down until the expiration of twelve hours from the time of entry, unless previously inspected within a shorter period.

Penalties.

For any violation of either of the provisions of this section the master of the vessel shall be liable to a fine of five dollars for each passenger carried or brought on the vessel.

SEC. 3. That every such steamship or other vessel shall have adequate provision for affording light and air to the passenger decks and to the compartments and spaces occupied by such passengers, and with adequate means and appliances for ventilating the said compartments and spaces.

Light and air to
passenger decks,
&c.

To compartments having sufficient space for fifty or more of such passengers at least two ventilators, each not less than twelve inches in diameter, shall be provided, one of which ventilators shall be inserted in the forward part of the compartment, and the other in the after part thereof, and shall be so constructed as to ventilate the compartment; and additional ventilators shall be provided for each compartment in the proportion of two ventilators for each additional fifty of such passengers carried or brought in the compartment.

Ventilation.

All ventilators shall be carried at least six feet above the uppermost deck of the vessel, and shall be of the most approved form and construction. In any steamship the ventilating apparatus provided, or any method of ventilation adopted thereon, which has been approved by the proper emigration officers at the port or place from which said vessel was cleared, shall be deemed a compliance with the foregoing provisions;

And in all vessels carrying or bringing such passengers there shall be properly-constructed hatchways over the compartments or spaces occupied by such passengers, which hatchway shall be properly covered with houses or booby hatches, and the combings or sills of which shall rise at least six inches above the deck; and there shall be proper companion-ways or ladders from each hatchway leading to the compartments or spaces occupied by such passengers;

Hatchways.

And the said companion-ways or ladders shall be securely constructed, and be provided with hand-rails or strong rope, and, when the weather will permit, such passengers shall have the use of each hatchway situated over the compartments or spaces appropriated to their use;

Companion-
ways.

And every vessel carrying or bringing such passengers shall have a properly located and constructed caboose and cooking-range, or other cooking-apparatus, the dimensions and capacity of which shall be sufficient to provide for properly cooking and preparing the food of all such passengers.

Caboose, and
cooking appara-
tus.

In every vessel carrying or bringing such passengers there shall be at least two water-closets or privies, and an additional water-closet or privy for every one hundred male passengers on board, for the exclusive use of such male passengers, and an additional water-closet or privy for every fifty female passengers on board, for the exclusive use of the female passengers and young children on board. The aforesaid water-closets and privies shall be properly enclosed and located on each side of the vessel, and shall be separated from passengers' spaces by substantial and properly-constructed partitions or bulkheads; and the water-closets and privies shall be kept and maintained in a serviceable and cleanly condition throughout the voyage.

Water-closets.

For any violation of either of the provisions of this section, or for any neglect to conform to the requirements thereof, the master of the vessel shall be liable to a penalty not exceeding two hundred and fifty dollars.

Penalties.

SEC. 4. An allowance of good, wholesome, and proper food, with a reasonable quantity of fresh provisions, which food shall be equal in value to one and a half navy rations of the United States, and of fresh water, not less than four quarts per day, shall be furnished each of such passengers.

Food.

Three meals shall be served daily, at regular and stated hours, of which hours sufficient notice shall be given.

Meals per day.

If any such passengers shall at any time during the voyage be put on short allowance for food and water, the master of the vessel shall

Short allow-
ance.

19 Fed. Rep., pay to each passenger three dollars for each and every day the passenger may have been put on short allowance, except in case of accidents, where the captain is obliged to put the passengers on short allowance.

653.
23 Fed. Rep.,
906.
Mothers with-
infants.

Mothers with infants and young children shall be furnished the necessary quantity of wholesome milk or condensed milk for the sustenance of the latter.

Tables and seats.

Tables and seats shall be provided for the use of passengers at regular meals. And for every willful violation of any of the provisions of this section the master of the vessel shall be deemed guilty of a misdemeanor and shall be fined not more than five hundred dollars, and be imprisoned for a term not exceeding six months.

Penalties.

The enforcement of this penalty, however, shall not affect the civil responsibility of the master and owners of the vessel to such passengers as may have suffered from any negligence, breach of contract, or default on the part of such master and owners.

Hospital com-
partments.

SEC. 5. That in every such steamship or other vessel there shall be properly built and secured, or divided off from other spaces, two compartments or spaces to be used exclusively as hospitals for such passengers, one for men and the other for women. The hospitals shall be located in a space not below the deck next below the main deck of the vessel. The hospital spaces shall in no case be less than in the proportion of eighteen clear superficial feet for every fifty such passengers who are carried or brought on the vessel, and such hospitals shall be supplied with proper beds, bedding, and utensils, and be kept so supplied throughout the voyage.

Surgeon.
Medicines, surg-
ical appliances,
&c.

And every steamship or other vessel carrying or bringing emigrant passengers, or passengers other than cabin passengers, exceeding fifty in number, shall carry a duly qualified and competent surgeon or medical practitioner, who shall be rated as such in the ship's articles, and who shall be provided with surgical instruments, medical comforts, and medicines proper and necessary for diseases and accidents incident to sea-voyages, and for the proper medical treatment of such passengers during the voyage, and with such articles of food and nourishment as may be proper and necessary for preserving the health of infants and young children; and the services of such surgeon or medical practitioner shall be promptly given, in any case of sickness or disease, to any of the passengers, or to any infant or young child of any such passengers, who may need his services.

Penalties.

For a violation of either of the provisions of this section the master of the vessel shall be liable to a penalty not exceeding two hundred and fifty dollars.

Discipline, clean-
liness, &c., to be
maintained.

SEC. 6. That the master of every such steamship or other vessel is authorized to maintain good discipline and such habits of cleanliness among such passengers as will tend to the preservation and promotion of health, and to that end he shall cause such regulations as he may adopt for such purpose to be posted up on board the vessel, in a place or places accessible to such passengers, and shall keep the same so posted up during the voyage.

The said master shall cause the compartments and spaces provided for, or occupied by, such passengers to be kept at all times in a clean and healthy condition, and to be, as often as may be necessary, disinfected with chloride of lime, or by some other equally efficient disinfectant.

Exercise of pas-
sengers on deck
daily.

Whenever the state of the weather will permit, such passengers and their bedding shall be mustered on deck, and a clear and sufficient space on the main or any upper deck of the vessel shall be set apart, and so kept, for the use and exercise of such passengers during the voyage. For each neglect or violation of any of the provisions of this section the master of the vessel shall be liable to a penalty not exceeding two hundred and fifty dollars.

SEC. 7. That neither the officers, seamen, nor other persons employed on any such steamship or other vessel shall visit or frequent any part of the vessel provided or assigned to the use of such passengers, except by the direction or permission of the master of such vessel first made or given for such purpose;

Officers, seamen, &c., prohibited from visiting passengers' apartments.

And every officer, seaman, or other person employed on board of such vessel who shall violate the provisions of this section shall be deemed guilty of a misdemeanor, and may be fined not exceeding one hundred dollars, and be imprisoned not exceeding twenty days, for each violation; and the master of such vessel who directs or permits any officer, seaman, or other person employed on board the vessel to visit or frequent any part of the vessel provided for or assigned to the use of such passengers, or the compartments or spaces occupied by such passengers, except for the purpose of doing or performing some necessary act or duty as an officer, seaman, or other person employed on board of the vessel, shall be deemed guilty of a misdemeanor, and may be fined not more than one hundred dollars for each time he directs or permits the provisions of this section to be violated.

Penalties.

A copy of this section, written or printed in the language or principal languages of the passengers on board, shall, by or under the direction of the master of the vessel, be posted in a conspicuous place on the fore-castle and in the several parts of the vessel provided and assigned for the use of such passengers, and in each compartment or space occupied by such passengers, and the same shall be kept so posted during the voyage; and if the said master neglects so to do, he shall be deemed guilty of a misdemeanor, and shall be fined not more than one hundred dollars.

Copy of this section to be posted.

SEC. 8. That it shall not be lawful to take, carry, or have on board of any such steamship or other vessel any nitro-glycerine, dynamite, or any other explosive article or compound, nor any vitriol or like acids, nor gunpowder, except for the ship's use, nor any article or number of articles, whether as a cargo or ballast, which, by reason of the nature or quantity or mode of storage thereof, shall, either singly or collectively, be likely to endanger the health or lives of the passengers or the safety of the vessel,

Explosives and other dangerous articles not to be carried.

And horses, cattle, or other animals taken on board of or brought in any such vessel shall not be carried on any deck below the deck on which passengers are berthed, nor in any compartment in which passengers are berthed, nor in any adjoining compartment except in a vessel built of iron, and of which the compartments are divided off by water-tight bulkheads extending to the upper deck.

—nor animals with or below passengers.

For every violation of any of the provisions of this section the master of the vessel shall be deemed guilty of a misdemeanor, and shall be fined not exceeding one thousand dollars, and be imprisoned for a period not exceeding one year.

Penalties.

SEC. 9. That it shall not be lawful for the master of any such steamship or other vessel, not in distress, after the arrival of the vessel within any collection district of the United States, to allow any person or persons, except a pilot, officer of the customs, or health officer, agents of the vessel, and consuls, to come on board of the vessel, or to leave the vessel, until the vessel has been taken in charge by an officer of the customs, nor, after charge so taken, without leave of such officer, until all the passengers, with their baggage, have been duly landed from the vessel;

No person, on arrival of vessel in port, allowed to go on board, &c.; except, &c.

And on the arrival of any such steamship or other vessel within any collection district of the United States, the master thereof shall deliver to the officer of customs who first comes on board the vessel and makes demand therefor a correct list, signed by the master, of all the passengers taken on board the vessel at any foreign port or

List of passengers, &c., with deaths, to be delivered to officer of customs.

place, specifying separately the names of the cabin passengers, their age, sex, calling, and the country of which they are citizens, and the number of pieces of baggage belonging to each passenger, and also the name, age, sex, calling, and native country of each emigrant passenger, or passengers other than cabin passengers, and their intended destination or location, and the number of pieces of baggage belonging to each passenger, and also the location of the compartment or space occupied by each of such passengers during the voyage; and if any of such passengers died on the voyage, the said list shall specify the name, age, and cause of death of each deceased passenger;

Duplicate list, &c., to be delivered to collector.

And a duplicate of the aforesaid list of passengers, verified by the oath of the master, shall, with the manifest of the cargo, be delivered by the master to the collector of customs on the entry of the vessel.

Penalties.

For a violation of either of the provisions of this section, or for permitting or neglecting to prevent a violation thereof, the master of the vessel shall be liable to a fine not exceeding one thousand dollars.

In case of death of passengers at sea, master of vessel to pay \$10 to collector, &c.

SEC. 10. That in case there shall have occurred on board any such steamship or other vessel any death among such passengers during the voyage, the master or consignees of the vessel shall, within forty-eight hours after the arrival of the vessel within a collection district of the United States, or within twenty-four hours after the entry of the vessel, pay to the collector of customs of such district the sum of ten dollars for each and every such passenger above the age of eight years who shall have died on the voyage by natural disease;

—penalty for non-payment.

And the master or consignees of any vessel who neglect or refuse to pay such collector, within the times hereinbefore described, the sums of money aforesaid, shall be liable to a penalty of fifty dollars in addition to the sum required to be paid as aforesaid for each passenger whose death occurred on the voyage.

—money to be paid into the Treasury.

All sums of money paid to any collector under the provisions of this section shall be by him paid into the Treasury of the United States in such manner and under such regulations as shall be prescribed by the Secretary of the Treasury.

Inspection, examination of vessel, etc.

1875, March 3, ch. 141, § 5, ante, p. 87.

1882, Aug. 3, ch. 376, § 3, post, p. 370.

1891, March 3, ch. 551, § 8, post, p. 935.

SEC. 11. That the collector of customs of the collection district within which, or the surveyor of the port at which, any such steamship or other vessel arrives, shall direct an inspector or other officer of the customs to make an examination of the vessel, and to admeasure the compartments or spaces occupied by the emigrant passengers, or passengers other than cabin passengers, during the voyage; and such measurement shall be made in the manner provided by law for admeasuring vessels for tonnage; and to compare the number of such passengers found on board with the list of such passengers furnished by the master to the customs officer;

—report to be made.

And the said inspector or other officer shall make a report to the aforesaid collector or surveyor, stating the port of departure, the time of sailing, the length of the voyage, the ventilation, the number of such passengers on board the vessel, and their native country, respectively; the cubic quantity of each compartment or space, and the number of berths and passengers in each space, the kind and quality of the food furnished to such passengers on the voyage; the number of deaths, and the age and sex of those who died during the voyage, and of what disease; and in case there was any unusual sickness or mortality during the voyage, to report whether the same was caused by any neglect or violation of the provisions of this act, or by the want of proper care against disease by the master or owners of the vessel;

—to be forwarded to Secretary of Treasury.

And the said reports shall be forwarded to the Secretary of the Treasury at such times and in such manner as he shall direct.

SEC. 12. That the provisions of this act shall apply to every steamship or other vessel whereon emigrant passengers, or passengers other than cabin passengers, are taken on board at a port or place in the United States for conveyance to any port or place in a foreign country except foreign territory contiguous to the United States, and shall also apply to any vessel whereon such passengers are taken on board at any port or place of the United States on the Atlantic Ocean or its tributaries for conveyance to a port or place on the Pacific Ocean or its tributaries, or vice versa; and whether the voyage of said vessel is to be continuous from port to port or such passengers are to be conveyed from port to port in part by the way of any overland route through Mexico or Central America;

Act to apply to vessels carrying emigrants, &c., from U. S. to foreign countries, &c.

And the said collector of customs may direct an examination of the vessel to be made by an inspector or other officer of the customs, who shall make the examination and report whether the provisions of this act have been complied with in respect to such vessel, and the said collector is authorized to withhold the clearance of such vessel until the coming in of such report; and if the said report shall show that any of the provisions of this act have not been complied with, the collector is authorized and directed to withhold the clearance of such vessel until the said provisions are complied with;

Clearance of vessels withheld until compliance with provisions, &c.

And if any such vessel leaves the aforesaid port or place without having been duly cleared by the collector of customs, the master shall be deemed guilty of a misdemeanor, and may be fined not exceeding one thousand dollars, and be imprisoned not exceeding one year, and the vessel shall be liable to seizure and forfeiture.

Penalty for leaving without clearance, &c.

SEC. 13. That the amount of the several fines and penalties imposed by any section of this act upon the master of any steamship or other vessel carrying or bringing emigrant passengers, or passengers other than cabin passengers, for any violation of the provisions of this act, shall be liens upon such vessel, and such vessel may be libeled therefor in any circuit or district court of the United States where such vessel shall arrive or depart.

Fines and penalties to be lien, &c., on vessels.

SEC. 14. That this act shall come into operation and take effect ninety days after the passage of this act; and sections forty-two hundred and fifty-two to forty-two hundred and seventy-seven, inclusive, of the Revised Statutes of the United States are, from and after said date, repealed;

Repeal of R. S. §§ 4252-4277.

And this act may be cited for all purposes as "The passenger act, eighteen hundred and eighty-two." [August 2, 1882.]

Act to be cited as "The Passenger Act, 1882."

CHAP. 375.—An act making appropriations for the construction, repair, and preservation of certain works on rivers and harbors, and for other purposes.

August 2, 1882.

22 Stat. L., 206.

Be it enacted, &c. * * That the power and authority granted to the Secretary of War under and by virtue of section four of the act of Congress approved June fourteenth, eighteen hundred and eighty, relating to wrecks and sunken vessels be, and the same are hereby, enlarged so that the Secretary of War may, in his discretion, sell and dispose of any such sunken craft, vessel, or cargo, or property therein, before the raising or removal thereof, according to the same regulations that are in the said act prescribed for the sale of the same after the removal thereof; and all laws and parts of laws inconsistent herewith are hereby repealed.

Wrecks and sunken vessels may be sold before raising or removal.

1890, June 14, ch. 211, ante, p. 296.

1890, Sept. 19, ch. 907, § 8, post, p. 802.

1890, Oct. 1, ch. 1244, § 23, post, p. 861.

[Became a law August 2, 1882, notwithstanding the President's veto.]

August 3, 1882.

CHAP. 376.—An act to regulate Immigration. (1)

22 Stat. L., 214.
Duty of fifty cents on alien passengers from foreign port.

1884, June 26, ch. 121, § 23, *post*, p. 444.

92 U. S., 259; 107 U. S., 63; 18 Fed. Rep., 136; 24 C. Cls., 255.

18 Opins., 185.
—to be paid into Treasury and known as the "immigrant fund," to be used for care of immigrants.

18 Opins., 108.

—to be a lien on vessels, &c.

Expenditures limited.

Secretary of Treasury may make contracts with State, &c.

1887, Feb. 23, ch. 220, §§ 6, 8, *post*, pp. 541, 542.

1891, March 3, ch. 551, §§ 8, 9, *post*, pp. 935, 936.

19 Opins., 155, 496.

Examination of condition of passengers on arrival.

1875, March 3, ch. 141, § 5, *ante*, p. 87; 1882, Aug. 2, ch. 374, § 11, *ante*, p. 368. 27 Fed. Rep. 679.

Convicts, lunatics, idiots, &c., not allowed to land.

18 Opins., 500.

Rules, &c., to be established by Secretary of Treasury.

1887, Feb. 23, ch. 220, § 7, *post*, p. 542.

1891, March 3, ch. 551, § 7, *post*, p. 935.

19 Opins., 706.

Convicts to be returned.

1875, March 3, ch. 141, §§ 3-5, *ante*, pp. 87, 88. March 3, ch. 551, State boards may be designated, &c.

Be it enacted, &c., That there shall be levied, collected, and paid a duty of fifty cents for each and every passenger not a citizen of the United States who shall come by steam or sail vessel from a foreign port to any port within the United States.

The said duty shall be paid to the collector of customs of the port to which such passenger shall come, or if there be no collector at such port, then to the collector of customs nearest thereto, by the master, owner, agent, or consignee of every such vessel, within twenty-four hours after the entry thereof into such port.

The money thus collected shall be paid into the United States Treasury, and shall constitute a fund to be called the immigrant fund, and shall be used, under the direction of the Secretary of the Treasury, to defray the expense of regulating immigration under this act, and for the care of immigrants arriving in the United States, for the relief of such as are in distress, and for the general purposes and expenses of carrying this act into effect.

The duty imposed by this section shall be a lien upon the vessels which shall bring such passengers into the United States, and shall be a debt in favor of the United States against the owner or owners of such vessels; and the payment of such duty may be enforced by any legal or equitable remedy.

Provided, That no greater sum shall be expended for the purposes hereinbefore mentioned, at any port, than shall have been collected at such port.

SEC. 2. That the Secretary of the Treasury is hereby charged with the duty of executing the provisions of this act and with supervision over the business of immigration to the United States, and for that purpose he shall have power to enter into contracts with such State commission, board, or officers as may be designated for that purpose by the governor of any State to take charge of the local affairs of immigration in the ports within said State, and to provide for the support and relief of such immigrants therein landing as may fall into distress or need public aid, under the rules and regulations to be prescribed by said Secretary;

And it shall be the duty of such State commission, board, or officers so designated to examine into the condition of passengers arriving at the ports within such State in any ship or vessel, and for that purpose all or any of such commissioners or officers, or such other person or persons as they shall appoint, shall be authorized to go on board of and through any such ship or vessel;

And if on such examination there shall be found among such passengers any convict, lunatic, idiot, or any person unable to take care of himself or herself without becoming a public charge, they shall report the same in writing to the collector of such port, and such persons shall not be permitted to land.

SEC. 3. That the Secretary of the Treasury shall establish such regulations and rules and issue from time to time such instructions not inconsistent with law as he shall deem best calculated to protect the United States and immigrants into the United States from fraud and loss, and for carrying out the provisions of this act and the immigration laws of the United States; and he shall prescribe all forms of bonds, entries, and other papers to be used under and in the enforcement of the various provisions of this act.

SEC. 4. That all foreign convicts except those convicted of political offenses, upon arrival, shall be sent back to the nations to which they belong and from whence they came.

1885, Feb. 26, ch. 164; 1887, Feb. 23, ch. 220, § 7; 1891, §§ 1-8; *post*, pp. 479, 542, 934. 18 Opins., 239.

The Secretary of the Treasury may designate the State board of charities of any State in which such board shall exist by law, or any

commission in any State, or any person or persons in any State whose duty it shall be to execute the provisions of this section without compensation.

The Secretary of the Treasury shall prescribe regulations for the return of the aforesaid persons to the countries from whence they came, and shall furnish instructions to the board, commission, or persons charged with the execution of the provisions of this section as to the mode of procedure in respect thereto, and may change such instructions from time to time.

Regulations for return of prohibited classes.

The expense of such return of the aforesaid persons not permitted to land shall be borne by the owners of the vessels in which they came.

Expense of return, etc.

SEC. 5. That this act shall take effect immediately. [August 3, 1882.]

CHAP. 377.—An act to establish ports of delivery at Kansas City and Saint Joseph in the State of Missouri.

August 3, 1882.

22 Stat. L. 215.

Be it enacted, &c., That Kansas City and Saint Joseph, in the State of Missouri, be and the same are hereby, constituted ports of delivery; and that the privileges of immediate transportation of dutiable merchandise conferred by the act of June the tenth, eighteen hundred and eighty, entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," be and the same are hereby, extended to said ports;

Kansas City and Saint Joseph, Mo., to be ports of delivery with privileges of immediate transportation act.

1880, June 10, ch. 190, § 7, *ante*, p. 294.

—Surveyors for, etc.

And there shall be appointed a surveyor of customs for each of said ports, to reside at the port for which he shall be appointed, who shall receive a salary to be determined in amount by the Secretary of the Treasury, not exceeding one thousand dollars per annum. [August 3, 1882.]

CHAP. 378.—An act regulating fees and the practice in extradition cases.

August 3, 1882.

22 Stat. L. 215.

Be it enacted, &c., That all hearings in cases of extradition under treaty stipulation or convention shall be held on land, publicly, and in a room or office easily accessible to the public.

Extradition cases to be heard publicly, etc.

R. S., §§ 5270-5280.

—fees of Commissioners.

R. S., § 847.

SEC. 2. That the following shall be the fees paid to commissioners in cases of extradition under treaty stipulation or convention between the Government of the United States and any foreign government, and no other fees or compensation shall be allowed to or received by them:

For administering an oath, ten cents.

For taking an acknowledgment, twenty-five cents.

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 clerks for like services.

R. S., § 828.

For issuing any warrant under the tenth article of the treaty of August ninth, eighteen 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 as set forth in said article, two dollars.

—under Treaty of 1842 (8 Stat. L., 572).

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 ninth, eighteen hundred and forty-three, two dollars.

—under Treaty of 1843 (8 Stat. L., 580).

184 U. S. 483.

For hearing and deciding upon the case of any person charged with any crime or offense, and arrested under the provisions of any treaty or convention, five dollars a day for the time necessarily employed.

Subpoena of witnesses for defendant.

16 Fed. Rep., 334.

— costs in such case paid.

Witness fees, costs, &c., certified to and paid by Secretary of State, &c.

Evidence on hearing.

Substitute for R. S., § 5271.

14 How., 115.
5 Blatch., 414.
7 Blatch., 345.
14 Blatch., 137.
30 Blatch., 59.
4 Dill., 412, 416.
4 Fed. Rep., 303.
16 Fed. Rep., 333.
22 Fed. Rep., 699.

Repeal of R. S., § 5271, and 1876, June 19, ch. 133 (19 Stat. L. 59).

August 3, 1882.

22 Stat. L., 216.

Mail service may be extended 25 miles beyond termini on pro rata pay.

R. S., §§ 3960, 3961.

1880, April 7, ch. 48, ante, p. 230.

Temporary service may be em-

SEC. 3. That on the hearing of any case under a claim of extradition by any foreign government, upon affidavit being filed by the person charged 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, and that he is not possessed of sufficient means, and is actually unable to pay the fees of such witnesses, the judge or commissioner before whom such claim for extradition is heard may order that such witnesses be subpoenaed;

And in such cases the costs incurred by the process, and the fees of witnesses, shall be paid in the same manner that similar fees are paid in the case of witnesses subpoenaed in behalf of the United States.

SEC. 4. That all witness fees and costs of every nature in cases of extradition, including the fees of the commissioner, shall be certified by the judge or commissioner before whom the hearing shall take place to the Secretary of State of the United States, who is hereby authorized to allow the payment thereof out of the appropriation to defray the expenses of the judiciary;

And the Secretary of State shall cause the amount of said fees and costs so allowed to be reimbursed to the Government of the United States by the foreign government by whom the proceedings for extradition may have been instituted.

SEC. 5. That in all cases where any depositions, warrants, or other papers or copies thereof shall be offered in evidence upon the hearing of any extradition case under Title sixty-six of the Revised Statutes of the United States, such depositions, warrants, and other papers, or the copies thereof, shall be received and admitted as evidence on such hearing for all the purposes of such hearing if they shall be properly and legally authenticated so as to entitle them to be received for similar purposes by the tribunals of the foreign country from which the accused party shall have escaped, and the certificate of the principal diplomatic or consular officer of the United States resident in such foreign country shall be proof that any deposition, warrant or other paper or copies thereof, so offered, are authenticated in the manner required by this act.

SEC. 6. The act approved June nineteenth, eighteen hundred and seventy-six, entitled "An act to amend section fifty-two hundred and seventy-one of the Revised Statutes of the United States", and so much of said section fifty-two hundred and seventy-one of the Revised Statutes of the United States as is inconsistent with the provisions of this act are hereby repealed. [August 3, 1882.]

CHAP. 379.—An act to authorize the Postmaster-General to extend the mail service in certain cases and for other purposes.

Be it enacted &c., That the Postmaster General is hereby authorized, in cases where the mail service would be thereby improved, to extend service on a mail route under contract, at not exceeding pro rata additional pay, for any distance not exceeding twenty-five miles beyond either terminal point named in said contract.

Provided, That no service shall be extended beyond the original terminal points more than once during the term for which the contract shall have been made.

SEC. 2. Whenever a contractor for postal service fails to commence proper service under the contract, or, having commenced

service, fails to continue in the proper performance thereof, the Postmaster-General may employ temporary service on the route, at a rate of pay per annum not to exceed the amount of the bond required to accompany proposals for service on such route, as specified in the advertisement of the route, or at not exceeding pro rata of such bond, in cases where service shall have been ordered to be increased, reduced, curtailed, or changed, subsequent to the execution of contract :

The cost of such temporary service to be charged to the contractor, and to continue until the contractor commences or resumes the proper performance of service, or until the route can be relet, as now provided by law, and service commenced under the new award of contract.

All acts or parts of acts inconsistent with the provisions of this act being hereby repealed. [August 3, 1882.]

ployed, when contractor fails.
R. S. § 3962.

—cost to be charged to failing contractor.

CHAP. 389.—An act making appropriations for the legislative, executive, and judicial expenses of the government for the fiscal year ending June thirtieth, eighteen hundred and eighty-three, and for other purposes.

August 5, 1882.

22 Stat. L., 219.

Be it enacted, &c., * * [Par. 1.] And the Secretary of the Treasury is hereby authorized to sell as waste paper, or otherwise dispose of, the files of papers which have accumulated, or may hereafter accumulate, in the Office of the Auditor of the Treasury for the Post-Office Department that are not needed in the transaction of current business and have no permanent official or historical value; and the proceeds of said sales he shall pay into the Treasury, and make report thereof to Congress. * * *

Useless papers in 6th Auditor's office to be sold, &c.

1881, March 3, ch. 130, par. 3, ante, p. 320.

1869, Feb. 16, ch. 171, post, p. 644.

[Par. 2.] And nothing in section four of this act shall be construed to prevent the Secretary of the Treasury from detailing one officer of the Revenue Marine Service for duty in the Office of the Life-Saving Service, and one officer from the Special Agency Service, and one from the Customs Service, respectively, for duty at the Treasury Department at Washington, nor to prevent the Commissioner of Internal Revenue from detailing one revenue agent for duty in his office. * * *

Certain Treasury officers may be detailed for service at Washington, notwithstanding § 4 of this act.

[Par. 3.] For the salaries of the commissioners appointed under an act entitled "An act to amend section fifty three hundred and fifty-two of the Revised Statutes of the United States, in reference to bigamy, and for other purposes," approved March twenty-second, eighteen hundred and eighty-two, twenty-five thousand dollars; and the salaries of said commissioners are hereby fixed at the rate of five thousand dollars per annum each. * * *

Salaries of Utah commissioners fixed at \$5,000.

1882, March 22, ch. 47, § 9, ante, p. 333.

[Par. 4.] That the President may authorize and direct the commanding general of the Army or the chief of any military bureau of the War Department to perform the duties of the Secretary of War under the provisions of section one hundred and seventy-nine of the Revised Statutes, and section twelve hundred and twenty-two of the Revised Statutes shall not be held or taken to apply to the officer so designated by reason of his temporarily performing such duties. * * *

Commanding General or Chief of Bureau may be acting Secretary of War.

R. S., §§ 179, 1222.

[Par. 5.] That nothing in section four of this act shall be construed to prevent the employment of such number of the five hundred enlisted men of the Signal Corps in the Office of the Chief Signal Officer at Washington as the Secretary of War may direct. * * *

1874, March 4, ch. 26, post, p. 707.

Enlisted men may be employed in Signal Office.

1890, Oct. 1, ch. 1266, § 8, post, p. 880.

[Par. 6.] And where buildings are rented for public use in the District of Columbia, the executive departments are authorized, whenever it shall be advantageous to the public interest, to rent others in their stead:

Rent of buildings in District of Columbia.

1883, March 3, ch. 128, par. 2, post, p. 409.

Provided, That no increase in the number of buildings now in use, nor in the amounts paid for rents, shall result therefrom. * * *

1877, Mar. 3, ch. 106, ante, p. 137.

Watchmen to have same powers, &c., as police in D. C.

R. S. of D. C., § 397. 1876, July 31, ch. 246, par. 4.

Duties of First and Second Deputy Commissioners of Pensions; when to be acting Commissioner.

R. S., § 472.

Postal Guide not to contain report.

Reporter of decisions of Supreme Court, salary and clerk hire.

R. S., §§ 681, 682.

Reports to be sold at \$2, &c.

1889, Feb. 12, ch. 135, § 2, *post*, p. 642.

Civil officers, clerks, &c., not to be employed in departments except as annually appropriated for.

R. S. § 169.
1874, June 20, ch. 329, par. 9, *ante*, p. 17.

—not to be paid from contingent expense appropriations, &c., unless, &c.

R. S. § 3682.
1889, Feb. 26, ch. 279, *post*, p. 650.

1891, March 3, ch. 541, pars. 2, 4, 7; *post*, p. 926.

24 C. Cls., 520.

Repeal of
R. S., § 172.

[Par. 7.] That hereafter all watchmen provided for by the United States Government for service in any of the public squares and reservations in the District of Columbia shall have and perform the same powers and duties as the Metropolitan police of said District. 1882, July 1, ch. 258, § 8; *ante*, pp. 115, 350.

[Par. 8.] Pension Office. * * That the duties of first and (1) second deputy commissioners shall be such as are now fixed by law for the deputy commissioner of pensions:

And in case of death, resignation, absence, or sickness of the Commissioner his duties shall devolve upon the first deputy commissioner until his successor is appointed, or such absence or sickness ceases, and in case of the like absence of the Commissioner and first deputy commissioner, the second deputy commissioner shall act as Commissioner in like manner. * *

[Par. 9.] Hereafter the annual report of the Postmaster-General shall not be published in said Official Postal Guide. * *

[Par. 10.] The reporter of the decisions of the Supreme Court of the United States shall be entitled to receive from the Treasury an annual salary of four thousand five hundred dollars when his report of said decisions constitutes one volume and an additional sum of one thousand two hundred dollars when by direction of the court he causes to be printed and published in any year a second volume, and said reporter shall be annually entitled to clerk-hire in the sum of one thousand two hundred dollars, and to office rent, stationary, and contingent expenses in the sum of six hundred dollars, and an amount sufficient for the payment of said sums is hereby appropriated: [Omitted part has been executed.]

And provided further, That the volumes of the decisions which said court shall hereafter pronounce shall be furnished by the Reporter to the public at a sum not exceeding two dollars per volume, and the number of volumes now required to be delivered to the Secretary of the Interior shall be furnished by the reporter without any charge therefor. * *

SEC. 4. That no civil officer, clerk, draughtsman, copyist, messenger, assistant messenger, mechanic, watchman, laborer, or other employee shall after the first day of October next be employed in any of the executive departments, or subordinate bureaus or offices thereof at the seat of government, except only at such rates and in such numbers, respectively, as may be specifically appropriated for by Congress for such clerical and other personal services for each fiscal year;

And no civil officer, clerk, draughtsman, copyist, messenger, assistant messenger, mechanic, watchman, laborer, or other employee shall hereafter be employed at the seat of government in any executive department or subordinate bureau or office thereof or be paid from any appropriation made for contingent expenses, or for any specific or general purpose, unless such employment is authorized and payment therefor specifically provided in the law granting the appropriation, and then only for services actually rendered in connection with and for the purposes of the appropriation from which payment is made, and at the rate of compensation usual and proper for such services.

And after the first day of October next section one hundred and seventy-two of the Revised Statutes, and all other laws and parts of laws inconsistent with the provisions of this act, and all laws and parts of laws authorizing the employment of officers, clerks, draughtsmen, copyists, messengers, assistant messengers, mechanics, watchmen, laborers, or other employees at a different rate of pay or in

NOTE.—(1) R. S., § 472, provides for "a Deputy Commissioner of Pensions." There is no general law establishing the offices of "First Deputy Commissioner" or "Second Deputy Commissioner" of Pensions. By act of 1881, March 3, ch. 130 (21 Stat. L., 406), appropriation was made for the salary of a "First Deputy Commissioner" and a "Deputy Commissioner." By this act (22 Stat. L., 247), the appropriation is made for "First Deputy Commissioner" and "Second Deputy Commissioner," and has so continued to the date of this publication.

excess of the numbers authorized by appropriations made by Congress, be and they are hereby, repealed;

And thereafter all details of civil officers, clerks, or other subordinate employees from places outside of the District of Columbia, for duty within the District of Columbia, except temporary details for duty connected with their respective offices, be, and are hereby, prohibited;

And thereafter all moneys accruing from lapsed salaries, or from unused appropriations for salaries, shall be covered into the Treasury: *Provided*, That the sums herein specifically appropriated for clerical or other force heretofore paid for out of general or specific appropriations may be used by the several heads of departments to pay such force until the said several heads of departments shall have adjusted the said force in accordance with the provisions of this act; and such adjustment shall be effected before October first, eighteen hundred and eighty-two. And in making such adjustment the employees herein provided for shall, as far as may be consistent with the interests of the service, be apportioned among the several States and Territories according to population: *Provided further*, That any person performing duty in any capacity as officer, clerk, or otherwise in any department at the date of the passage of this act who has heretofore been paid from any appropriation made for contingent expenses or for any contingent or general purpose, and whose office or place is specifically provided for herein, under the direction of the head of that department may be continued in such office, clerkship, or employment without a new appointment thereto, but shall be charged to the quotas of the several States and Territories from which they are respectively appointed.

And nothing herein shall be construed to repeal or modify section one hundred and sixty-six of the Revised Statutes of the United States.

SEC. 5. That from and after the first day of July, eighteen hundred and eighty-two, and of each year thereafter, the Secretary of the Treasury shall cause all unexpended balances of the permanent and indefinite appropriations for collecting the revenue from customs which shall have remained upon the books of the Treasury for two fiscal years to be carried to the surplus fund and covered into the Treasury.

June 15, ch. 225,

And it shall be the duty of the Secretary of the Treasury to include in his next estimates to Congress, and annually thereafter, a statement specifying in detail the number and class of officers and employees of every grade and nature, with the rate of compensation to each, that may in his judgment be necessary to properly conduct the business of collecting the revenue at each port of entry in the United States, together with an estimate of the amounts required for contingent expenses at each of said ports, and for such additional expenses of the service as cannot be otherwise specifically provided for. * * [August 5, 1882.]

CHAP. 390.—An act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June thirtieth, eighteen hundred and eighty-two, and for prior years, and for those certified as due by the accounting officers of the Treasury in accordance with section four of the act of June fourteenth, eighteen hundred and seventy-eight (1), heretofore paid from permanent appropriations, and for other purposes.

Be it enacted, &c., * * [Par. 1.] (2) For the payment of Army transportation lawfully due such land-grant railroads as have not

—employed elsewhere, not to be detailed for duty in District of Columbia.

—lapsed salaries to be covered in.

—appointments, &c., to be apportioned among States, &c.

1875, March 3, ch. 130, § 2, *ante*, p. 76.

1883, Jan. 16, ch. 27, § 2, par. 2, sub. par. 3, *post*, p. 392.

1891, March 3, ch. 541, pars. 2, 4, 7, *post*, p. 926.

R. S., § 166.

Expense of collecting customs—unexpended balances to be covered in.

R. S., § 3687.

1874, June 20, ch. 328, § 5; 1890, *ante*, pp. 18, 297.

—to be annually estimated for.

R. S., § 258.

August 5, 1882.

22 Stat. L., 257.

Certain land-grant railroads to be paid for Army transportation.

NOTES.—(1) Ch. 191, *ante*, p. 180.

(2) This provision is a modification of 1875, March 3, ch. 133, par. 2, *ante*, p. 81. It is contained *verbatim* in the Army appropriation act of this year, 1882, June 30, ch. 254 (22 Stat. L., 120). The last proviso is permanent, and is not repeated in subsequent laws. The remainder is applicable only to the special appropriation. A somewhat similar provision first appeared in 1879, March 3, ch. 132 (20 Stat. L., 390), and is repeated annually in appropriation acts, confined to a single year, with various modifications, including 1891, March 3, ch. 540, § 1 (26 Stat. L., 872), where important modifications are made.

93 U. S., 442.
 12 C. Cls., 295;
 13 C. Cls., 562; 15
 C. Cls., 126, 428; 18
 C. Cls., 359, 618.
 1875, March 3,
 ch. 133, par. 2,
ante, p. 81. 1878,
 May 7, ch. 96, *ante*,
 p. 161.
 —to file written
 acceptance.

Senate officers,
 &c., not to be paid
 in excess, &c.
 R. S., § 52.

Biennial Regis-
 ter—no extra pay
 for compiling.
 R. S., § 506.
 1877, Dec. 15,

received aid in government bonds, to be adjusted by the proper accounting officers in accordance with the decision of the Supreme Court in cases decided under such land-grant acts, but in no case shall more than fifty per centum of the full amount of the service be paid, * *: *Provided*, That such compensation shall be computed upon the basis of the tariff rates for like transportation performed for the public at large, and shall be accepted as in full for all demands for said services:

And provided further, That any such land-grant roads as shall file with the Secretary of the Treasury their written acceptance of this provision shall hereafter be paid for like services as herein provided: * *

[*Par. 2.*] That hereafter no officer or employee of the Senate shall receive pay for any services performed by him at any rate higher than that provided for the office or employment to which he has been regularly appointed. * *

[*Par. 3.*] That hereafter no extra compensation shall be allowed any officer or clerk of the Interior Department for compiling the Biennial Register. * * [*August 5, 1882.*]

ch. 4, *ante*, p. 150. 1880, June 16, ch. 235, par. 6, *ante*, p. 298.

August 5, 1882.

CHAP. 391.—An act making appropriations for the naval service for the fiscal year ending June thirtieth, eighteen hundred and eighty-three, and for other purposes.

22 Stat. L., 284.

Naval cadets,
 name of, instead
 of cadet-midship-
 men and cadet-
 engineers.

R. S., §§ 1512-1528.
 1874, Feb. 24, ch.
 35, *ante*, p. 4.
 1878, June 17,
 ch. 260, *ante*, p. 188.
 1884, June 26,
 ch. 122, *post*, p. 446.
 1889, March 2,
 546. 20 C. Cls., 226,

Be it enacted, &c. * * [*Par. 1.*] That hereafter there shall be no appointments of cadet-midshipmen or cadet-engineers at the Naval Academy, but in lieu thereof naval cadets shall be appointed from each Congressional district and at large, as now provided by law for cadet-midshipmen, and all the undergraduates at the Naval Academy shall hereafter be designated and called "naval cadets;"

And from those who successfully complete the six years' course appointments shall hereafter be made as it is necessary to fill vacancies in the lower grades of the line and Engineer Corps of the Navy and of the Marine Corps: * *
 ch. 396, and note, *post*, p. 696. 18 C. Cls.,
 438. 116 U. S., 474, 483.

Surplus gradu-
 ates, how disposed
 of.

[*Par. 2.*] And if there be a surplus of graduates, those who do not receive such appointment shall be given a certificate of graduation, an honorable discharge, and one year's sea-pay, as now provided by law for cadet-midshipmen;

Repeal, in part,
 of

And so much of section fifteen hundred and twenty-one of the Revised Statutes as is inconsistent herewith is hereby repealed.

R. S., § 1521.
 When cadets
 may be voluntarily
 discharged, with
 certificate of
 graduation.

That any cadet whose position in his class entitles him to be retained in the service may, upon his own application, be honorably discharged at the end of four years' course at the Naval Academy, with a proper certificate of graduation.

Special course
 of study may be
 prescribed.

That the Secretary of the Navy may prescribe a special course of study and training at home or abroad for any naval cadet.

Pay of naval
 cadets.

That the pay of naval cadets shall be that now allowed by law to cadet-midshipmen. * *

R. S., § 1556.

1877, March 3, ch. 111, *ante*, p. 138.

Medical corps of
 Navy, number of
 officers.

[*Par. 3.*] That the active-list of the medical corps of the Navy shall hereafter consist of fifteen medical directors, fifteen medical inspectors, fifty surgeons, and ninety assistant and passed assistant surgeons.

R. S., § 1368.

Pay corps, num-
 ber of officers.

That the active-list of the pay corps of the Navy shall hereafter consist of thirteen pay-directors, thirteen pay-inspectors, forty pay-masters, twenty passed assistant paymasters, and ten assistant pay-masters.

R. S., § 1376.

That the active-list of the engineer corps of the Navy shall hereafter consist of ten chief engineers with the relative rank of captain, fifteen chief engineers with the relative rank of commander, forty-five chief engineers with the relative rank of lieutenant-commander or lieutenant, sixty passed assistant engineers, and forty assistant engineers, with the relative rank for each as now fixed by law:

Engineer corps,
number of officers.
R. S., § 1390.
1889, March 2,
ch. 396, *post*, p. 696.

And after the number of officers in the said grades shall be reduced as above provided, the number in each grade shall not exceed the reduced number which is fixed by the provisions of this act for the several grades. (1)

Number not to
be exceeded.

1883, March 3,
ch. 97, par. 3, *post*,
p. 401.

That no officer now in the service shall be reduced in rank or deprived of his commission by reason of any provision of this act reducing the number of officers in the several staff corps: * *

No officer re-
duced or dropped.

[Par. 4.] Hereafter only one-half of the vacancies in the various grades in the line of the Navy shall be filled by promotion until such grades shall be reduced to the following numbers, namely: rear admirals, six; commodores, ten; captains, forty-five; commanders, eighty-five; lieutenant commanders, seventy-four; lieutenants, two hundred and fifty; masters, seventy-five; ensigns, seventy-five; and thereafter promotions to all vacancies shall be made but not to increase either of said grades above the numbers aforesaid.

Reduction of
number of officers
of line, how ef-
fected.

R. S., § 1362.

Hereafter there shall be no promotion or increase of pay in the retired list of the Navy but the rank and pay of officers on the retired list shall be the same that they are when such officers shall be retired:

Promotions and
increase of pay for
retired officers
prohibited.

R. S., §§ 1443-1465.

And provided further, That whenever on an inquiry had pursuant to law, concerning the fitness of an officer of the Navy for promotion, it shall appear that such officer is unfit to perform at sea the duties of the place to which it is proposed to promote him, by reason of drunkenness, or from any cause arising from his own misconduct, and having been informed of and heard upon the charges against him, he shall not be placed on the retired-list of the Navy, and if the finding of the board be approved by the President, he shall be discharged with not more than one year's pay. * *

Officers unfit by
their own fault to
be discharged in-
stead of promoted.

R. S., §§ 1447-
1456.

[Par. 5.] And officers of the Navy traveling abroad under orders hereafter issued shall travel by the most direct route, the occasion and necessity for such order to be certified by the officer issuing the same; and shall receive, in lieu of the mileage now allowed by law, only their actual and reasonable expenses, certified under their own signatures and approved by the Secretary of the Navy. * *

Officers travel-
ing abroad, their
orders and ex-
penses.

R. S., § 1566.

1875, Jan. 18,

ch. 18; March 3,

19 C. Cls., 516.

[Par. 6.] That the navy-yard at Washington, District of Columbia, may, at the discretion of the Secretary of the Navy, be maintained as a manufacturing yard for the Bureaus of Equipment and Recruiting and Ordnance, and that work may be continued in the rope-walk in the Boston navy-yard: And provided further, That nothing herein shall be held to interfere with the permanent improvement of any navy-yard as now authorized by law, or the expenditure for such purpose of any money appropriated by Congress therefor. * *

Washington
and Boston navy-
yards, how con-
tinued.

SEC. 2. * * And no old material of the Navy shall hereafter be sold or exchanged by the Secretary of the Navy, or by any officer of the Navy, which can be profitably used by reworking or otherwise in the construction or repair of vessels, their machinery, armor, armament, or equipment; but the same shall be stored and preserved for future use.

Old material of
Navy to be used.

And when any such old material can not be profitably used as aforesaid, the same shall be appraised and sold at public auction after public notice and advertisement shall have been given according to law under such rules and regulations and in such manner as

— when and
how may be sold.

R. S., §§ 1541,
3618, 3692.

NOTE.—(1) By 1883, March 3, ch. 97, par. 3, *post*, p. 401, one-half of the vacancies occurring until the reduced number is reached are to be filled.

113 U. S., 128.
19 C. Cls., 198.

the said Secretary may direct. The net proceeds arising from the sales of such old materials shall be paid into the Treasury.

It shall be the duty of the Secretary of the Navy annually to report in detail to Congress, in his annual report, the proceeds of all sales of materials, stores, and supplies, made under the provisions of this act, and the expenses attending such sales.

Condition of all vessels to be examined once in 3 years, and on return from foreign stations.

1883, March 3, ch. 141, § 5, *post*, p. 416.

It shall also be the duty of the Secretary of the Navy, as soon as may be after the passage of this act, to cause to be examined by competent boards of officers of the Navy, to be designated by him for that duty, all vessels belonging to the Navy not in actual service at sea, and vessels at sea as soon as practicable after they shall return to the United States, and hereafter all vessels on their return from foreign stations, and all vessels in the United States as often as once in three years, when practicable;

And said boards shall ascertain and report to the Secretary of the Navy, in writing, which of said vessels are unfit for further service, or, if the same are unfinished in any navy-yard, those which can not be finished without great and disproportionate expense, and shall in such report state fully the grounds and reasons for their opinion.

Vessels unfit for service to be stricken from Register

1883, March 3, ch. 141, § 5, *post*, p. 416.

And it shall be the duty of the Secretary of the Navy, if he shall concur in opinion with said report, to strike the name of such vessel or vessels from the Navy Register and report the same to Congress

SEC. 3. [*Superseded*, 1883, March 3, ch. 97, § 2, *post*, p. 402.] [August 5, 1882.]

August 5, 1882.

22 Stat. L., 296.

CHAP. 393.—An act relating to the registration of trade-marks.

Registration of trade-marks used in foreign commerce and with Indian tribes, allowed.

1881, March 3, ch. 138, *ante*, p. 322.

Be it enacted, &c., That nothing contained in the law entitled "An act to authorize the registration of trade-marks and protect the same," approved March third, eighteen hundred and eighty-one, shall prevent the registry of any lawful trade-mark rightfully used by the applicant in foreign commerce or commerce with Indian tribes at the time of the passage of said act. [August 5, 1882.]

August 5, 1882.

22 Stat. L., 299.

CHAP. 395.—An act to fix the compensation of the master armorer at the national armory in Springfield, Massachusetts.

Pay of master armorer at Springfield armory.

R. S., § 1663.

Be it enacted, &c., That in addition to the compensation now allowed and paid to the master armorer at the national armory in Springfield, Massachusetts, there shall be paid to him, from and after the passage of this act, further compensation at the rate of one thousand dollars per annum during such time as he shall perform the duties of master machinist at said armory in addition to those of master armorer. [August 5, 1882.]

August 5, 1882.

22 Stat. L., 300.

CHAP. 398.—An act to provide for deductions from the gross tonnage of vessels of the United States.

Deductions from gross tonnage measurement of vessels of United States, not to exceed five per cent. for crew space.

R. S., § 4153.

Be it enacted, &c., That section forty-one hundred and fifty-three of the Revised Statutes of the United States be amended by inserting before the last paragraph thereof the following words:

That from the gross tonnage of every vessel of the United States there shall be deducted the tonnage of the spaces or compartments occupied by or appropriated to the use of the crew of the vessel, but the deduction for crew-space shall not, in any case, exceed five per centum of the gross tonnage.

And in every such vessel propelled by steam or other power requiring engine-room there shall also be deducted from the gross tonnage of the vessel the tonnage of the space or spaces actually occupied by or required to be inclosed for the proper working of the boilers and machinery, including the shaft trunk or alley in screw-steamers, with the addition in the case of vessels propelled with paddle-wheels of fifty-per centum, and in the case of vessels propelled by screws of seventy-five per centum of the tonnage of such space, but in no case shall the deductions from the gross tonnage exceed fifty per centum of such tonnage;

And the proper deductions from the gross tonnage having been made, the remainder shall be deemed the net or register tonnage of such vessels.

“That the register or other official certificate of the tonnage or nationality of a vessel of the United States in addition to what is now required by law to be expressed therein, shall state separately the deductions made from the gross tonnage, and shall also state the net or register tonnage of the vessel.

But the outstanding registers or enrollments of vessels of the United States shall not be rendered void by the addition of such new statement of her tonnage, unless voluntarily surrendered, but the same may be added to the outstanding document, or by an appendix thereto, with a certificate of a collector of customs that the original estimate of tonnage is amended.”

SEC. 2. That section forty-one hundred and fifty-four of the Revised Statutes be, and hereby is, repealed, and instead the following is substituted, to wit:

“SEC. 4154. Whenever it is made to appear to the Secretary of the Treasury that the rules concerning the measurement for tonnage of vessels of the United States have been substantially adopted by the government of any foreign country, he may direct that the vessels of such foreign country be deemed to be of the tonnage denoted in their certificates of register or other national papers, and thereupon it shall not be necessary for such vessels to be remeasured at any port in the United States;

And when it shall be necessary to ascertain the tonnage of any vessel not a vessel of the United States, the said tonnage shall be ascertained in the manner provided by law for the measurement of vessels of the United States.”

SEC. 3. “That the Secretary of the Treasury is authorized and directed to make all needful regulations to carry into effect the provisions of this act, and he shall establish and promulgate a proper scale of fees to be paid for the readmeasurement of the spaces to be deducted from the gross tonnage of a vessel, on the basis of the last sentence of section forty-one hundred and eighty-six of the Revised Statutes, beginning with the words “But the charge for the measurement.” [August 5, 1882.]

Net tonnage.

Certificate of measurement to state gross and net tonnage.

Tonnage of foreign vessels, when certificates to be accepted.

Substitute for R. S., § 4154.

—how to be ascertained.

Regulation fees for readmeasurement.

R. S., § 4186.

CHAP. 399.—An act to establish diplomatic relations with Persia.

August 5, 1882.

22 Stat. L., 301.

Be it enacted, &c., That section sixteen hundred and seventy-five of the Revised Statutes of the United States (1) be, and the same is hereby, amended by inserting after the words “Liberia, four thousand dollars,” the words “charge d'affaires and consul-general at Teheran, Persia, five thousand dollars,” and the sum necessary therefor is hereby appropriated out of any money in the Treasury not otherwise appropriated. [August 5, 1882.]

Chargé d'affaires and consul-general at Teheran, Persia, provided for.
R. S., § 1675.

NOTE.—(1) Section 1675 of the Revised Statutes here referred to was repealed and a substitute enacted by 1875, March 3, ch. 153, *ante*, p. 93, in which “Liberia” is not mentioned.

August 7, 1882.

22 Stat. L., 302.

Authority to purchase site, &c., is not appropriation.

1875, March 3, ch. 130, par. 14, and note, *ante*, p. 74.

Compensation disbursing agents for public buildings.

R. S., §§ 1765, 3654, 3657, 3658.

Steam boiler, &c., without riveted plates, when may be used.

R. S., §§ 4420-4437.

1885, Feb. 11, ch. 55, *post*, p. 474.

Appropriations for collection, &c., of public money not to be used for clerical service.

R. S., § 3653.

1882, Aug. 5, ch. 389, § 4, *ante*, p. 374.

Silver coin to be transported free of charge.

1884, July 7, ch. 332, par. 3, *post*, p. 469.

Duties of National Board of Health.

1879, March 3, ch. 202, and note,

Work of other departments not to be duplicated by Signal Service.

R. S., §§ 222, 223, 1094, 1195, 1196. 1885, March 3, ch. 360, par. 3, *post*, p. 486.

Appropriations to be under Secretary of War.

1890, Aug. 30, ch. 837, par. 6, *post*, p. 792.

Sale of lands acquired by U. S. by devise, authorized.

R. S., § 3750.

CHAP. 433.—An act making appropriations for sundry civil expenses of the government for the fiscal year ending June thirtieth, eighteen hundred and eighty-three, and for other purposes.

Be it enacted, &c., * * [Par. 1.] That no act passed authorizing the Secretary of the Treasury to purchase a site and erect a public building thereon shall be held or construed to appropriate money unless the act in express language makes such appropriations. * *

[Par. 2.] Any disbursing agent who has been or may be appointed to disburse any appropriation for any United States court-house and post-office, or other building or grounds, not located within the city of Washington, shall be entitled to the (1) compensation allowed by law to collectors of customs for such amounts as have been or may be disbursed. * *

[Par. 3.] That section forty-four hundred and twenty nine Revised Statutes is hereby amended by adding at the end thereof the following:

“*Provided, however,* That the Secretary of the Treasury may grant permission to use any boiler or steam generator not constructed of riveted iron or steel plates upon the certificate of the supervising inspector of steamboats for the district wherein such boiler or generator is to be used, and other satisfactory proof that the use of the same is safe and efficient; said permit to be valid until the next regular meeting of the supervising inspectors who shall act thereon.” * *

[Par. 4.] For contingent expenses under the requirements of section thirty-six hundred and fifty-three of the Revised Statutes of the United States, for the collection, safe-keeping, transfer, and disbursement of the public money, and for transportation of notes, bonds, and other securities of the United States, * * . And hereafter no part of the money appropriated for the purposes mentioned in this paragraph shall be expended for clerical services or payment of employees of any nature or grade. * *

[Par. 5.] That (2) the Secretary of the Treasury be, and he is hereby, authorized and directed to transport, free of charge, silver coins when requested to do so: *Provided,* That an equal amount in coin or currency shall have been deposited in the Treasury by the applicant or applicants. * *

[Par. 6.] National Board of Health. * * That hereafter the duties and investigations of the Board of Health shall be confined to the diseases of cholera, small-pox and yellow fever. * *

[Par. 7.] Signal service. * * That the work of no other department, bureau, or commission authorized by law, shall be duplicated by this bureau: *Provided, further,* That nothing herein contained shall restrict the performance of all duties of the Signal Service Bureau prescribed by existing laws. * *

[Par. 8.] That hereafter the appropriations for “observation and report of storms”, and for the Signal Service, shall be expended under the direction of the Secretary of War.

[Par. 9.] The Secretary of the Treasury is authorized to sell such lands as have been acquired by the United States by devise, upon such terms and after such public notice by advertisement as he may deem best for the public interest.

Notes.—(1) The statutes governing compensation for disbursing funds for public buildings, beside the above, are R. S., §§ 3654, 3657, 3658. 1875, March 3, ch. 131, § 4, *ante*, p. 78, and 1889, March 2, ch. 411, par. 1, *post*, p. 697. See 22 C. Cls., 332, and 25 C. Cls., 389.

(2) This is a substantial repetition of 1881, March 3, ch. 133 (21 Stat. L., 447). While it appears to be permanent, in form, it is substantially repeated in subsequent appropriation acts, but in these the authority is limited to expending the sum appropriated in each act. 1885, Mar. 3, ch. 360, 23 Stat. L., 433; 1886, Aug. 4, ch. 962, 24 Stat. L., 234; 1887, Mar. 3, ch. 362, 24 Stat. L., 521; 1888, Oct. 2, ch. 1069, 25 Stat. L., 518; 1890, Aug. 30, ch. 837, 26 Stat. L., 385; 1891, Mar. 3, ch. 542, 26 Stat. L., 936. As these are temporary, they do not appear in this volume.

[Par. 10.] That all pensions and arrears of pensions payable or to be paid to pensioners who are or may become inmates of the (3) National Home for Disabled Volunteer Soldiers shall be paid to the treasurers of said home, to be applied by such treasurers as provided by law, under the rules and regulations of said home. Said payments shall be made by the pension agent upon a certificate of the proper officer of the home that the pensioner is an inmate thereof on the day to which said pension is drawn. The treasurers of said home, respectively, shall give security, to the satisfaction of the managers of said home, for the payment and application by them of all arrears of pension and pension-moneys they may receive under the aforesaid provision.

And section two of the act entitled "An act making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June thirtieth, eighteen hundred and eighty-two, and for deficiencies, and for other purposes," approved February twenty-sixth, eighteen hundred and eighty-one, is hereby revived and continued in force. (4) * *

[Par. 11.] For * * pay of superintendent of meters, * * That the said superintendent of meters be hereafter allowed to draw an additional salary of nine hundred dollars per annum, to be paid by the District government, for his services as superintendent of street lamps under the said government of the District of Columbia. But the aggregate annual salary of said superintendent shall not exceed two thousand one hundred dollars. * *

[Par. 12.] That the part of the sum hereby appropriated which may be apportioned to the surveying district of Louisiana, together with such sums as have been or may be deposited for surveys therein by actual settlers, under sections twenty-four hundred and one, twenty-four hundred and two, and twenty-four hundred and three of the Revised Statutes, may be, in whole or in part, employed in making such resurveys as may be necessary in the discretion of the Commissioner of the General Land Office. * *

[Par. 13.] That no certificate issued for a deposit of money for the survey of lands under section twenty-four hundred and three of the Revised Statutes, and the act approved March third, eighteen hundred and seventy-nine, amendatory thereof, shall be received in payment for lands except at the land office in which the lands surveyed for which the deposit was made are subject to entry, and not elsewhere; but this section shall not be held to impair, prejudice, or affect in any manner certificates issued or deposits and contracts made under the provisions of said act prior to the passage of this act. * *

[Par. 14.] Government Hospital for the Insane. * * That hereafter the surplus products and waste material of the hospital may be sold or exchanged for the benefit of the hospital, and proceeds to be used and accounted for the same as its other funds:

Provided, That in addition to the persons now entitled to admission to said hospital, any inmate of the (3) National Home for Disabled Volunteer Soldiers, who is now or may hereafter become insane shall, upon an order of the president of the board of managers of the said National Home, be admitted to said hospital and treated therein; and if any inmate so admitted from said National Home is or thereafter becomes a pensioner, and has neither wife, minor child,

Pensions, &c., due inmates of National Home to be paid to treasurers.

R. S., § 4832.
1883, March 3,
ch. 130, § 4, *post*,
p. 410.

District of Columbia.

Salary of superintendent of meters.

1876, July 31, ch. 246, par. 5, *ante*, p. 115.

Deposits for surveys in Louisiana may be used for resurveys.

R. S., §§ 2401-2403.

Certificates of deposit for survey, where may be received in payment for land.

R. S., § 2403.
1879, March 3,
ch. 170, *ante*, p. 244.

Hospital for Insane, D. C., waste material may be sold.

R. S., § 4838.
Insane persons from National Soldiers Home to be admitted.

R. S., § 4825.
Par. 10, *supra*.

Pensions payable to inmates of National Home to be paid to treasurer thereof.

Payment on discharge or death.

NOTES.—(3) See note on statutes relating to National Soldiers' Homes appended to 1875, March 3, ch. 129, par. 6, *ante*, p. 71.

(4) The section here referred to and continued in force is as follows: Act of 1881, Feb. 26, ch. 80 (21 Stat. L., 350).

SEC. 2. All pensions payable, or to be paid under this act, to pensioners who are inmates of the National Home for Disabled Volunteer Soldiers shall be paid to the treasurer or treasurers of said home, upon security given to the satisfaction of the managers to be disbursed for the benefit of the pensioners without deduction for fines or penalties under regulations to be established by the managers of the home; said payment to be made by the pension agent upon a certificate of the proper officer of the home that the pensioner is an inmate thereof and is still living.

Any balance of the pension which may remain at the date at the pensioner's discharge shall be paid over to him; and in case of his death at the home, the same shall be paid to the widow, or children or in default of either to his legal representatives.

nor parent dependent on him, in whole or in part, for support, his arrears of pension and his pension money accruing during the period he shall remain in said hospital shall be applied to his support in said hospital, and be paid over to the proper officer of said institution for the general uses thereof.

Insane convicts may be transferred to.

R. S., §§ 4851, 4852.

1874, June 23, ch. 465, § 1, (18 Stat. L., 251), §§ 2, 3, *ante*, p. 47.

That section one of the act of June twenty-third, eighteen hundred and seventy-four, chapter four hundred and sixty-five, concerning insane convicts, be amended so as to read as follows:

That upon the application of the Attorney-General the Secretary of the Interior be, and he is hereby, authorized and directed to transfer to the Government Hospital for the Insane in the District of Columbia all persons who, having been charged with offenses against the United States, are in the actual custody of its officers, and all persons who have been or shall be convicted of any offense in a court of the United States and are imprisoned in any State prison or penitentiary of any State or Territory, and who during the term of their imprisonment have or shall become and be insane. * *

Distribution of duplicates by National Museum and Fish Commission.
R. S., §§ 4395-4398.

[*Par. 15.*] And the distribution of duplicate specimens of the National Museum (5) and Fish Commission may be made to colleges, academies, and other institutions of learning upon the payment by the recipients of the cost of preparation for transportation and the transportation thereof. (6)

Binding for Members of Congress.

R. S., § 3785.

1877, Dec. 10, ch. 6, *ante*, p. 149.

1883, March 3, ch. 143, par. 8, *post*, p. 421.

[*Par. 16.*] That no binding shall be done at the Government Printing Office for Senators, Representatives, or Delegates in Congress, except that there may be bound for each Senator, Representative or Delegate, one copy of each book or document issued by order of Congress, but this provision shall not allow any binding as aforesaid, to be done of books, or documents issued by authority of and during any former Congress:

Account of printing, &c., for Patent Office.

R. S., §§ 3760, 3802, 3815.

Provided, That the Public Printer shall keep an account of the actual cost of all printing and binding done for the Patent Office, and shall make a statement of such cost in his annual report. * *

Statutes furnished public officers to be public property.

R. S., §§ 386, 1777, 3808.

1889, Feb. 12, ch. 135, *post*, p. 642.

[*Par. 17.*] That all statutes heretofore or hereafter furnished by the United States to district judges, district attorneys, and clerks of the United States courts under this or any other law, shall not become the property of these officers, but on the expiration of their official term shall be by them turned over and delivered to their respective successors in office. * *

Sale of waste paper, etc., of Senate and House of Representatives.

R. S., §§ 52, 53, 72.

[*Par. 18.*] And it shall be the duty of the, Clerk and Doorkeeper of the House of Representatives and the Secretary and Sergeant-at-Arms of the Senate to cause to be sold all waste paper and useless documents and condemned furniture that have accumulated during the fiscal year eighteen hundred and eighty-two, or that may hereafter accumulate, in their respective departments or offices, under the direction of the Committee on Accounts of their respective houses and cover the proceeds thereof into the Treasury; and they shall, at the beginning of each regular session of Congress, report to their respective houses the amount of said sales. [*August 7, 1882.*]

NOTES.—(5) There is no substantive law creating a National Museum. It is first mentioned in the act of 1874, June 20, ch. 328, 18 Stat. L., 106, in an appropriation for postage for "the National Museum in the Smithsonian Institution." By act of 1879, March 3, ch. 182, 20 Stat. L. 397, provision was made for "building for the use of the National Museum," and annual appropriations have continuously been made for its support.

(6) The above provision is repeated in 1883, March 3, ch. 143 (22 Stat. L., 629).

CHAP. 436.—An act to extend the fees of certain officers over the Territories of New Mexico and Arizona.

August 7, 1882.

22 Stat. L., 344.

Be it enacted, &c., That the act of the Congress of the United States entitled "An act to regulate the fees and costs to be allowed clerks, marshals, and attorneys of the circuit and district courts of the United States, and for other purposes," approved February twenty-sixth, eighteen hundred and fifty-three (1), and section eight hundred and thirty-seven of the Revised Statutes of the United States, is extended to the Territories of New Mexico and Arizona, and shall apply to the fees of all officers in such Territories;

Officers of courts in New Mexico and Arizona to receive double fees.

R. S., §§ 823-830, 837.

23 C. Cls., 273.

* * [Part omitted is superseded by 1890, July 2, ch. 650, post, p. 764.] [August 7, 1882.]

NOTE.—(1) The act of 1853, ch. 80 (10 Stat. L., 161), here referred to, is incorporated into Revised Statutes, §§ 823-856.

CHAP. 438.—An act to amend section forty-seven hundred and two, title fifty-seven, Revised Statutes of the United States, and for other purposes.

August 7, 1882.

22 Stat. L., 345.

Be it enacted, &c., That section forty-seven hundred and two, title fifty-seven, of the Revised Statutes of the United States is hereby amended so as to read as follows:

Pensions in certain cases to widows or to children under 16 years of age.

R. S., §§ 4692, 4693.

"SEC. 4702. If any person embraced within the provisions of sections forty-six hundred and ninety-two and forty-six hundred and ninety-three has died since the fourth day of March, eighteen hundred and sixty-one, or hereafter dies, by reason of any wound, injury, or disease which under the conditions and limitations of such sections would have entitled him to an invalid pension had he been disabled, his widow or if there be no widow, or in case of her death without payment to her of any part of the pension hereinafter mentioned, his child or children under sixteen years of age, shall be entitled to receive the same pension as the husband or father would have been entitled to had he been totally disabled, to commence from the death of the husband or father, to continue to the widow during her widowhood, and to his child or children until they severally attain the age of sixteen years, and no longer;

Substitute for
R. S., § 4702.

1886, March 19, ch. 23, post, p. 487.
1890, June 27, ch. 634, § 3, post, p. 761.

20 C. Cls., 190.

And if the widow remarry, the child or children shall be entitled from the date of remarriage, except when such widow has continued to draw the pension-money after her remarriage, in contravention of law, and such child or children have resided with and been supported by her, their pension will commence at the date to which the widow was last paid."

SEC. 2. That marriages, except such as are mentioned in section forty-seven hundred and five of the Revised Statutes shall be proven in pension cases to be legal marriages according to the (1) law of the place where the parties resided at the time of marriage or at the time when the right to pension accrued;

Marriages, how proved.

R. S., § 4705.

And the open and notorious adulterous cohabitation of a widow who is a pensioner shall operate to terminate her pension from the commencement of such cohabitation. [August 7, 1882.]

Notorious adultery of widow terminates pension.

R. S., § 4706.

NOTE.—(1) As to law regulating record of marriages in the Territories, see 1887, March 3, ch. 397, §§ 9, 10, post, p. 509.

CHAP. 441.—An act to amend section forty-four hundred, of title fifty-two, of the Revised Statutes of the United States, concerning the regulation of steam-vessels.

August 7, 1882

22 Stat. L., 346.

Be it enacted, &c., That section forty-four hundred of the Revised Statutes of the United States be amended and enlarged by adding thereto at the end of said section, as it now appears, the words:

Regulations of private foreign steam-vessels carrying passengers from the United States.

R. S. §§ 4400,
4417, 4418, 4421-
4424, 4470-4473,
4479, 4482, 4488,
4489, 4496, 4497,
4499, 4500.

21 Fed. Rep.,
382.

25 Fed. Rep.,
601.

“And all foreign private steam-vessels carrying passengers from any port of the United States to any other place or country shall be subject to the provisions of section forty-four hundred and seventeen, forty-four hundred and eighteen, forty-four hundred and twenty-one, forty-four hundred and twenty-two, forty-four hundred and twenty-three, forty-four hundred and twenty-four, forty-four hundred and seventy, forty-four hundred and seventy-one, forty-four hundred and seventy-two, forty-four hundred and seventy-three, forty-four hundred and seventy-nine, forty-four hundred and eighty-two, forty-four hundred and eighty-eight, forty-four hundred and eighty-nine, forty-four hundred and ninety-six, forty-four hundred and ninety-seven, forty-four hundred and ninety-nine, and forty five hundred of this title, and shall be liable to visitation and inspection by the proper officer, in any of the ports of the United States, respecting any of the provisions of the sections aforesaid.”

Local inspector.

Provided, That where the term “local inspector” is used in the foregoing section it shall be construed to mean the special inspectors hereinafter provided for.

Special inspectors, their compensation.

R. S., §§ 4404,
4414.

SEC. 2. That for the purpose of carrying into effect the provisions of this act the Secretary of the Treasury shall appoint officers to be designated as special inspectors of foreign steam-vessels, at a salary of two thousand dollars per annum each, and there shall be appointed of such officers at the port of New York, six; at the port of Boston, two; at the port of Baltimore, two; at the port of Philadelphia, two; at the port of New Orleans, two; and at the port of San Francisco, two.

Duties.

SEC. 3. The special inspectors of foreign steam-vessels shall perform the duties of their office and make reports thereof to the Supervising Inspector-General of Steam-Vessels, under such regulations as shall be prescribed by the Secretary of the Treasury.

Bond.

SEC. 4. That each special inspector of foreign steam-vessels shall execute a proper bond, to be approved by the Secretary of the Treasury, in such form and upon such conditions as the Secretary may prescribe for the faithful performance of the duties of his office.

To be provided with instruments, stationery, printing, &c.

SEC. 5. That the Secretary of the Treasury shall procure for the several inspectors heretofore referred to such instruments, stationery, printing, and other things necessary, including clerical help, where he shall deem the same necessary for the use of their respective offices, as may be required therefor.

Permanent appropriation for payment of salaries and expenses.

SEC. 6. That the salaries of the special inspectors of foreign steam-vessels and clerks provided for, together with their traveling and other expenses, when on official duty, and all instruments, books, blanks, stationery, furniture, and other things necessary to carry into effect the provisions of this act, shall be paid for by the Secretary of the Treasury, out of any moneys in the Treasury not otherwise appropriated. [August 7, 1882.]

August 7, 1882.

CHAP. 444.—An act in relation to land-patents in the Virginia military district of Ohio.

22 Stat. L., 348.

Possession of lands in Virginia military district of Ohio for 20 years under color of title, constitutes ownership, &c.

1880, Mar. 27, ch. 105, *ante*, p. 283.

Be it enacted, &c., That any person in the actual open possession of any tract of land in the Virginia military district of the State of Ohio, under claim and color of title made in good faith based upon or deducible from entry of any tract of land within said district founded upon military warrant upon Continental establishment, and a record of which entry was duly made in the office of the principal surveyor of the Virginia military district, either before or since its removal to Chillicothe, Ohio, prior to January first, eighteen hundred and fifty-two, such possession having continued for twenty years last past, under a claim of title on the part of said party either as entryman, or of his or her grantors, or of parties by or under whom such

party claims by purchase or inheritance, and they by title based upon or deducible from such entry by tax-sale or otherwise, shall be deemed and held to be the legal owner of such land so included in said entry, to the extent and according to the purport of said entry or of his or her paper titles based thereon or deducible therefrom.

SEC. 2. That so much of the act approved February eighteenth, eighteen hundred and seventy-one, entitled "An act to cede to the State of Ohio the unsold lands in the Virginia military district in said State," and of an act approved May twenty-seventh, eighteen hundred and eighty, construing said act of February eighteenth, eighteen hundred and seventy-one, as conflicts with this act, be, and the same is hereby, repealed. [August 7, 1882.]

Conflicting law repealed.

1871, Feb. 18, ch. 56 (16 Stat. L., 416).

1880, May 27, ch. 105, ante, p. 283.

CHAP. 447.—An act to amend the first subdivision of section twenty-five hundred and sixty eight of the Revised Statutes of the United States, title thirty-four, collection of duties on imports

August 7, 1882.

22 Stat. L., 349.

Be it enacted, &c., That the first subdivision of section twenty-five hundred and sixty eight of the Revised Statutes of the United States be amended by striking therefrom the words "in Missouri" following the words "Saint Louis," and by adding to said subdivision of said section as follows: "Saint-Louis as used in this section, shall include Saint Louis, in Missouri, and East-Saint Louis, in Illinois;

New Orleans collection district to include Saint Louis, Mo., and East Saint Louis, Ill.

R. S., § 2568.

And the surveyor and acting collector for the port of Saint Louis may receive goods, issue landing certificates to carriers, and issue orders to inspectors of customs to open cars containing goods and packages, and generally do and perform all acts necessary to be done and performed by him in East-Saint Louis, in Illinois, as well as in Saint Louis in Missouri." [August 7, 1882.]

CHAP. 468.—An act to repeal so much of section thirty-three hundred and eighty-five of the Revised Statutes as imposes an export tax on tobacco.

August 8, 1882.

22 Stat. L., 372.

Be it enacted, &c., That (1) section thirty-three hundred and eighty-five of the Revised Statutes, as amended by the act approved June eighth eighteen hundred and eighty, be amended and re-enacted so as to read as follows:

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 stamps shall be provided and furnished to the several collectors as

Exportation of manufactured tobacco without paying tax; terms and condition of.

Substitute for R. S., § 3385.

1875, Feb. 8, ch.

86, § 24, ante, p. 61.

1886, Aug. 4, ch.

896, § 1, post, p. 511.

1890, Oct. 1, ch.

1244, par. 493, post,

p. 848.

—Regulations and bond.

Stamp.

NOTE.—(1) R. S., § 3385 was amended by 1880, June 9, ch. 161 (21 Stat. L., 167), but the above act is a substitute for both R. S., § 3385 and the act of 1880, thus repealing both. The amendment made by 1883, Jan. 3, ch. 24, post, p. 391, is nominally to the repealed act of 1880, but as the words after which the amendment is to be inserted are preserved in the above act, it can be read as an amendment of it.

in the case of other stamps, and they shall account for the use of the same.

Permit for removal.

When the manufacturer has made the proper entries, filed the bonds, and otherwise complied with the requirements of law and the 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 kinds of packages, the number of pounds, 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, and the route or routes over which the same are to be sent to the port of shipment.

Bond, when to be canceled.

1883, Jan. 13, ch. 24, *post*, p. 391.

Upon the presentation to the collector of internal revenue of a detailed report from the inspectors of customs, and a certificate of the collector of customs at the port from which the goods are to be exported that the goods removed from the manufactory under bond and described in the permit of the collector of internal revenue have been received by the said collector of customs, and that the said goods were duly laden on board of a foreign-bound vessel, naming the vessel, and that the said merchandise was entered on the outward manifest of said vessel, and that the said vessel and cargo were duly cleared from said port, and on the payment of the tax or deficiency, if any, the bonds, which have been given or shall hereafter be required to be given under the provisions of this section shall be canceled. (2)

Penalty for violation of provisions.

Every person who, with the intent to defraud the revenue laws of the United States, relands or causes to be relanded within the jurisdiction of the United States any manufactured tobacco, snuff, or cigars which have been shipped for exportation under the provisions of this act, without properly entering such tobacco, snuff, or cigars at the custom-house, and paying the proper customs and internal-revenue tax thereon, or who receives such relanded tobacco, snuff, or cigars, and every person who aids or abets in such relanding or receiving such tobacco, snuff or cigars, shall, on conviction, be fined not exceeding five thousand dollars, or imprisoned not more than three years, and all tobacco, snuff, or cigars so relanded shall be forfeited to the United States." [August 8, 1882.]

NOTE.—(2) Words added here by 1883, Jan. 13, ch. 24, *post*, p. 391.

August 8, 1882.

CHAP. 469.—An act to amend section forty seven hundred and sixty six, title fifty seven, of the Revised Statutes of the United States.

22 Stat. I., 373.

Pensioners to be paid only to pensioners in person.

Substitute for R. S., § 4766. R. S., § 4765.

Be it enacted, &c., That section forty-seven hundred and sixtysix, title fifty seven, of the Revised Statutes of the United States is hereby amended so as to read as follows:

"SEC. 4766. Hereafter no pension shall be paid to any person other than the pensioner entitled thereto, nor otherwise than according to the provisions of this title;

Assignment, &c., not recognized.

And no warrant, power of attorney, or other paper executed or purporting to be executed by any pensioner to any attorney, claim agent, broker, or other person shall be recognized by any agent for the payment of pensions, nor shall any pension be paid thereon;

Pensioners under disabilities and in foreign countries, how paid.

But the payment to persons laboring under legal disabilities may be made to the guardians of such persons in the manner herein prescribed, and pensions payable to persons in foreign countries may be made according to the provisions of existing laws:

Insane or imprisoned pensioners, payment may be made to wife or guardian of children.

Provided, That in case of an insane invalid pensioner having no guardian, but having a wife or children dependent upon him (the wife being a woman of good character), the Commissioner of pensions is hereby authorized, in his discretion, to cause the pension to be paid to the wife, upon her properly-executed voucher, or in case

there is no wife, to the guardian of the children, upon the properly-executed voucher of such guardian, and in like manner to cause the pension of invalid pensioners who are or may hereafter be imprisoned as punishment for offenses against the laws to be paid while so imprisoned to their wives or the guardians of their children.

And pensions to Indian pensioners residing in the Indian Territory may be paid in person by the pension agent, upon a suitable voucher, at some convenient point in said Territory, which, together with the form and manner of identification of the pensioners, may be prescribed by the Secretary of the Interior; such payments to be made in standard silver, at least once in each current year.

And payments in person shall be made to the pensioner, in cash, by the pension agent whenever in the discretion of the Commissioner of Pensions such personal payment shall be by him deemed necessary or proper to secure to the pensioner his rights; and the necessary and actual expenses of such pension agent in making such payments shall be paid by the Secretary of the Interior upon properly-executed vouchers, out of the contingent fund appropriated for the use of the Pension Office.

The Commissioner of Pensions may, when in his judgment it shall be deemed necessary or proper, visit in person, for the purpose of examination and inspection, or may send any one or more of the officers of his bureau for that purpose, any of the pension agencies or medical examining boards or surgeons; and the necessary and actual expenses of such visits shall be paid by the Secretary of the Interior, upon properly executed vouchers, out of the contingent fund of said bureau. [August 8, 1882.]

Indian pensioners may be paid in standard silver.

Payments in cash, when may be made.
R. S., § 4784.

Commissioner of Pensions may examine agencies or medical boards or surgeons.

RESOLUTIONS.

NUMBER 43.—Joint resolution to provide for the printing of public documents for binding and distribution to those entitled to receive them.

Resolved, &c., That whenever any document or report shall be ordered printed by Congress, there shall be printed, in addition to the number in each case stated, the "usual number" of copies for binding and distribution among those entitled to receive them; and this shall apply to all unexecuted orders now in the office of the Public Printer. [July 7, 1882.]

July 7, 1882.

22 Stat. L., 387.

Documents printed by Congress; usual number to be printed in addition to those ordered.

R. S., § 3792.

1882, April 5,
Res. No. 10, *post*,
p. 635.

NUMBER 61.—Joint resolution to furnish the Congressional Record to each State and Territorial library.

Resolved, &c., That the Public Printer be, and he is hereby authorized and directed to forward, free of charge to the State and Territorial libraries of each State and Territory having or that shall hereafter have and maintain a State and Territorial library, one bound copy of the Congressional Record of each session of Congress or special session of the Senate, beginning with the Forty-Seventh Congress;

And the Public Printer is directed to print fifty additional copies of the same to meet the requirements of this joint resolution. [August 2, 1882.]

August 2, 1882.

22 Stat. L., 390.

Congressional Record to be sent to each State and Territory having a library, &c.

R. S., § 3760.

1874, June 20,
Res. No. 12, and
note, *ante*, p. 56.

August 3, 1882.
22 Stat. L., 391.

NUMBER 63.—Joint resolution requiring the Public Printer to publish certain decisions of the First Comptroller of the Treasury Department.

Decisions, &c.,
of First Comptroller to be
printed and distributed annually.
R. S., § 269.
1874, June 20,
ch. 333, § 7, *ante*,
p. 20.

Resolved, &c., That the Public Printer be, and is, required to print not more than one volume each year of the decisions and opinions of the First Comptroller of the Treasury Department, with such explanatory matter as he may furnish, and to furnish for the use of each Senator, Representative, and Delegate in Congress ten copies thereof, to the Comptroller two thousand copies, and for distribution in the manner provided in section seven of the act of June twentieth, eighteen hundred and seventy-four (eighteenth Statutes at Large, page one hundred and thirteen), providing for the publication of the statutes, one-half the number therein mentioned. [*August 3, 1882.*]

FORTY-SEVENTH CONGRESS—SECOND SESSION

IN

THE YEARS 1882-1883.

CHAPTER 5.—An act to authorize the Public Printer to make certain purchases without previous advertisement.

Dec. 21, 1882.

22 Stat. L., 397.

Be it enacted, &c., That it is lawful for the Public Printer to purchase in the open market, and without previous advertisement, such supplies as the Government Printing office may require, of ink, rollers, composition for making rollers, tapes, press-blankets, and lubricating oils; taking care that only the lowest market prices be paid for the quality of the articles purchased; and when practicable, issue circulars for bids from persons capable of supplying them. [December 21, 1882.]

Certain supplies for government printing office may be purchased without advertising.

R. S., § 3778.
1876, July 31, ch. 246, par. 1, and note, ante, p. 114.

CHAPTER 6.—An act to amend the act entitled "An act to repeal the discriminating duties on goods produced east of the Cape of Good Hope," approved May fourth, eighteen hundred and eighty-two.

Dec. 23, 1882.

22 Stat. L., 398.

Be it enacted, &c., That the act entitled "An act to repeal the discriminating duties on goods produced east of the Cape of Good Hope," approved May fourth, eighteen hundred and eighty-two, be, and the same is hereby, amended so as to read as follows:

Discriminating duty on goods produced east of Cape of Good Hope abolished.

"That section twenty-five hundred and one of the Revised Statutes of the United States, which reads as follows:

Repeal of R. S., § 2501.
And substitute

"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,

for 1882, May 4, ch. 120 (22 Stat. L., 58).

Be, and the same is hereby, repealed from and after the first day of January, eighteen hundred and eighty-three;

And all such goods as may be in public store or warehouse on the first day of January, eighteen hundred and eighty-three, or on ship-board in port, shall be subject to no other duty than if imported after that day." [December 23, 1882.]

CHAPTER 13.—An act to provide for holding a term of the District Court of the United States at Wichita, Kansas, and for other purposes.

Jan. 6, 1883.

22 Stat. L., 400.

Be it enacted, &c. * * [Section 1 is superseded by 1890, June 9, ch. 403, post, p. 744.]

SEC. 2. That all that part of the (1) Indian Territory lying north of the Canadian river and east of Texas and the one hundredth meridian

Indian Territory, part of, an-

nexed to Kansas judicial district. R. S., § 531. 1889, March 1, ch. 333, *post*, p. 670; 30 Fed. Rep., 919; 138, U. S., 157.

1889, March 1, ch. 333, *post*, p. 670; 30 Fed. Rep., 919; 138, U. S., 157.

—part annexed to northern district of Texas.

Pending cases not affected.

Jurisdiction not enlarged.

Treaty provisions not impaired.

not set apart and occupied by the Cherokee, Creek, and Seminole Indian tribes shall, from and after the passage of this act, be annexed to and constitute a part of the United States judicial district of Kansas;

And the United States district courts at (2) Wichita and Fort Scott, in the District of Kansas, shall have exclusive original jurisdiction of all offenses committed within the limits of the territory hereby annexed to said district of Kansas against any of the laws of the United States now or that may hereafter be operative therein.

SEC. 3. (3) That all that portion of the Indian Territory not annexed to the district of Kansas by this act, and not set apart and occupied by the Cherokee, Creek, Choctaw, Chickasaw and Seminole Indian tribes, shall, from and after the passage of this act, be annexed to and constitute a part of the United States judicial district known as the northern district of (4) Texas; and the United States district court at Graham, in said northern district of Texas, shall have exclusive original jurisdiction of all offenses committed within the limits of the territory hereby annexed to said northern district of Texas against any of the laws of the United States now or that may hereafter be operative therein.

SEC. 4. That nothing contained in this act shall be construed to affect in any manner any action or proceeding now pending in the circuit or district court for the western district of Arkansas, nor the execution of any process relating thereto;

Nor shall anything in this act be construed to give to said district courts of Kansas and Texas, respectively, any greater jurisdiction in that part of said Indian Territory so as aforesaid annexed, respectively, to said district of Kansas and said northern district of Texas than might heretofore have been lawfully exercised therein by the western district of Arkansas;

Nor shall anything in this act contained be construed to violate or impair in any respect any treaty provision whatever. [January 6, 1883.]

NOTES.—(1) As to jurisdiction of the United States courts in the Indian Territory; see note to 1889, March 1, ch. 333, *post*, p. 670.

(2) For courts at Wichita, see 1890, June 9, ch. 403, *post*, p. 744. For courts at Fort Scott, see 1879, March 3, ch. 177, *ante*, p. 245.

(3) This section would seem to be repealed by 1889, March 1, ch. 333, § 17, *post*, p. 674. See 138 U. S., 157, and 40 Fed. Rep., 472.

(4) See note to 1879, Feb. 24, ch. 97, *ante*, p. 217, on courts in Texas.

Jan. 9, 1883.

22 Stat. L., 401.

Claims for horses and equipments lost in military service may be filed within one year.

R. S., §§ 3482—3489.

—all not so filed to be forever barred.

R. S., § 3489.

1874, June 22, ch. 395, *ante*, p. 37.

1888, Aug. 13, ch. 863, § 2, *post*, p. 615.

CHAP. 15.—An act to extend the time for filing claims for horses and equipments lost by officers and enlisted men in the service of the United States, and for other purposes.

Be it enacted, &c., That the time for filing claims for horses and equipments lost by officers and enlisted men in the military service of the United States, which expired by limitation on the thirty-first day of December, eighteen hundred and seventy-five, be, and the same is hereby, extended to one year from and after the passage of this act;

And that all such claims filed in the proper department before the passage of this act shall be deemed to have been filed in due time, and shall be considered and decided without refiling.

SEC. 2. That all claims arising under the act approved March third, eighteen hundred and forty-nine, (1) entitled "An act to provide for the payment of horses and other property lost or destroyed in the military service of the United States", and all acts amendatory thereof, which shall not be filed in the proper department within one year from and after the passage of this act, shall be forever barred, and shall not be received, considered, or audited by any department of the government. [January 9, 1883.]

NOTE.—(1) The act of 1849, March 3, ch. 129 (9 Stat. L., 44) here referred to, is incorporated into Revised Statutes, §§ 3482, 3483, 3485—3487.

CHAP. 16.—An act to amend section thirty-three hundred and sixty-two of the Revised Statutes relating to the tax on perique tobacco.

Jan. 9, 1883.

22 Stat. L., 401.

Be it enacted, &c., That section thirty-three hundred and sixty-two, as amended by the act of March first, eighteen hundred and seventy-nine, be, and the same is hereby, amended by inserting after the words "or for export," and before the words "under such restrictions" in the second provision of said section, the following words: "And perique tobacco may be sold by the manufacturer or producer thereof, in the form of carottes, directly to a legally-qualified manufacturer, to be cut or granulated and used as material in the manufacture of cigarettes or smoking-tobacco, without the payment of tax". [January 9, 1883.]

Perique tobacco may be sold by producer, &c., to manufacturer without payment of tax.

R.S., § 3362, and substitute, 1879, March 1, ch. 125, § 14, ante, p. 239.

CHAP. 17.—An act to permit grain brought by Canadian farmers to be ground at mills in the United States adjacent to Canadian territory, under such rules and regulations as may be prescribed by the Treasury Department.

Jan. 9, 1883.

22 Stat. L., 402.

Be it enacted, &c., That grain brought into the United States in wagons or other ordinary road vehicles, by farmers residing in the Dominion of Canada, to be ground by mills owned by citizens of the United States, shall not be deemed to be imported or liable to import duties;

Provided, That such grain shall be brought into the United States under such regulations as the Treasury Department may prescribe to prevent fraud and evasion, and shall be returned as in like manner provided by such regulations:

And provided further, That entry shall be made of and duties paid upon all such grain as shall be taken or received by mill-owners as tolls for such grinding, under like regulations provided by the Treasury Department. [January 9, 1883.]

Canadian grain brought in to be ground at mills in United States not subject to duty.

1890, Oct. 1, ch. 1244, pars. 252-265, post, p. 830.

CHAP. 23.—An act to provide for extra work in the Government Printing Office in cases of emergency.

Jan. 13, 1883

22 Stat. L., 402.

Be it enacted, &c., That for extra work, ordered in emergencies, and performed on Sundays or legal holidays, or between the hours of midnight and eight ante meridian, excepting that done by regular organized night forces, the Public Printer is hereby authorized to pay such extra prices as the customs of the trade and the justice of the case may require. [January 13, 1883.]

1880, April 16, Res. No. 22, ante, p. 303. 1891, March 3, ch. 550 and

Extra pay in Government Printing Office for Sundays, &c.

R. S., § 3764, 1877, Feb. 16, ch. 56, ante, p. 129. note, post, p. 129.

CHAP. 24.—An act relating to exportation of tobacco, snuff, and cigars, in bond, free of tax, to adjacent foreign territory.

Jan. 13, 1883.

22 Stat. L., 402.

Be it enacted, &c., That section thirty-three hundred and eighty-five of the Revised Statutes of the United States, as amended by the act of June ninth, eighteen hundred and eighty, (1) be further amended by adding, after the words "shall be canceled," where they first occur therein, the following words: "But when the goods are exported to an adjacent foreign territory, by vessel or otherwise, said bonds shall be canceled upon such proofs of exportation as may be prescribed by the commissioner of Internal Revenue, with the approval of the Secretary of the Treasury." [January 13, 1883.]

Bonds for export of manufactured tobacco to adjacent foreign territory, how canceled.

1890, Oct. 1, ch. 1244, par. 493, post, p. 848.

NOTE.—(1) The act of 1880 (21 Stat. L., 167) was repealed and substitute enacted by the act of 1882, August 3, ch. 468, ante, p. 385, to which this act appears to have been intended to apply.

Jan. 15, 1883.

CHAP. 25.—An act to attach the county of Hardeman, in the State of Tennessee, to the eastern division of the western district of Tennessee.

22 Stat. L., 402.

Hardeman County annexed to eastern division of western judicial district of Tennessee.

R. S., § 547.
1878, June 20,
ch. 359, par. 9,
ante, p. 203.

Be it enacted, &c., That from and after the passage of this act the territory embraced in the county of Hardeman, in the State of Tennessee, as now constituted, shall be attached to and compose a part of the eastern division of the western district of Tennessee;

And all process issued against defendants residing in said county of Hardeman shall be returned to Jackson, and all civil causes of action which have accrued in said county, of which the courts of the United States have jurisdiction, shall be cognizable in the court at Jackson, but all offenses committed in said county against the laws of the United States before the passage of this act shall be cognizable in the court of the western division of the western district of Tennessee held at Memphis, and actions or proceedings now pending at Memphis against defendants residing in said county of Hardeman may, on the application of either party, be transferred to the court at Jackson; and in case of such transfer, all papers and files therein, with copies of all journal entries, shall be transferred to the office of the clerk of that court at Jackson, and the same shall proceed in all respects as though originally commenced in said court. [January 15, 1883.]

Jan. 16, 1883.

CHAP. 27.—An act to regulate and improve the civil service of the United States.

22 Stat. L., 408.

Civil Service Commission, appointment.

R. S., §1753.

—removals and vacancies.

—salary and expenses.

Duties:

I.—to prepare rules.

II.—Rules to provide—

1.—for competitive examinations.
R. S., § 164.

2.—for selections accordingly.

3.—appointments, how apportioned.

Be it enacted, &c., That the President is authorized to appoint, by and with the advice and consent of the Senate, three persons, not more than two of whom shall be adherents of the same party, as Civil Service Commissioners, and said three commissioners shall constitute the United States Civil Service Commission. Said commissioners shall hold no other official place under the United States.

The President may remove any commissioner; and any vacancy in the position of commissioner shall be so filled by the President, by and with the advice and consent of the Senate, as to conform to said conditions for the first selection of commissioners.

The commissioners shall each receive a salary of three thousand five hundred dollars a year. And each of said commissioners shall be paid his necessary traveling expenses incurred in the discharge of his duty as a commissioner.

SEC. 2. That it shall be the duty of said commissioners:

FIRST. To aid the President, as he may request, in preparing suitable rules for carrying this act into effect, and when said rules shall have been promulgated it shall be the duty of all officers of the United States in the departments and offices to which any such rules may relate to aid, in all proper ways, in carrying said rules, and any modification thereof, into effect.

SECOND. And, among other things, said rules shall provide and declare, as nearly as the conditions of good administration will warrant, as follows:

First, for open, competitive examinations for testing the fitness of applicants for the public service now classified or to be classified hereunder. Such examinations shall be practical in their character, and so far as may be shall relate to those matters which will fairly test the relative capacity and fitness of the persons examined to discharge the duties of the service into which they seek to be appointed.

Second, that all the offices, places, and employments so arranged or to be arranged in classes shall be filled by selections according to grade from among those graded highest as the results of such competitive examinations.

Third, appointments to the public service aforesaid in the departments at Washington shall be apportioned among the several States

and Territories and the District of Columbia upon the basis of population as ascertained at the last preceding census.

Every application for an examination shall contain, among other things, a statement, under oath, setting forth his or her actual bona fide residence at the time of making the application, as well as how long he or she has been a resident of such place.

Fourth, that there shall be a period of probation before any absolute appointment or employment aforesaid.

Fifth, that no person in the public service is for that reason under any obligations to contribute to any political fund, or to render any political service, and that he will not be removed or otherwise prejudiced for refusing to do so.

Sixth, that no person in said service has any right to use his official authority or influence to coerce the political action of any person or body.

Seventh, there shall be non-competitive examinations in all proper cases before the commission, when competent persons do not compete, after notice has been given of the existence of the vacancy, under such rules as may be prescribed by the commissioners as to the manner of giving notice.

Eighth, that notice shall be given in writing by the appointing power to said commission of the persons selected for appointment or employment from among those who have been examined, of the place of residence of such persons, of the rejection of any such persons after probation, of transfers, resignations, and removals, and of the date thereof, and a record of the same shall be kept by said commission.

And any necessary exceptions from said eight fundamental provisions of the rules shall be set forth in connection with such rules, and the reasons therefor shall be stated in the annual reports of the commission.

THIRD. Said commission shall, subject to the rules that may be made by the President, make regulations for, and have control of, such examinations, and, through its members or the examiners, it shall supervise and preserve the records of the same; and said commission shall keep minutes of its own proceedings.

FOURTH. Said commission may make investigations concerning the facts, and may report upon all matters touching the enforcement and effects of said rules and regulations, and concerning the action of any examiner or board of examiners hereinafter provided for, and its own subordinates, and those in the public service, in respect to the execution of this act.

FIFTH. Said commission shall make an annual report to the President for transmission to Congress, showing its own action, the rules and regulations and the exceptions thereto in force, the practical effects thereof, and any suggestions it may approve for the more effectual accomplishment of the purposes of this act.

SEC. 3. That said commission is authorized to employ a chief examiner, a part of whose duty it shall be, under its direction, to act with the examining boards, so far as practicable, whether at Washington or elsewhere, and to secure accuracy, uniformity, and justice in all their proceedings, which shall be at all times open to him.

The chief examiner shall be entitled to receive a salary at the rate of three thousand dollars a year, and he shall be paid his necessary traveling expenses incurred in the discharge of his duty.

The commission shall have a secretary, to be appointed by the President, who shall receive a salary of one thousand six hundred dollars per annum.

It may, when necessary, employ a stenographer, and a messenger, who shall be paid, when employed, the former at the rate of one thousand six hundred dollars a year, and the latter at the rate of six hundred dollars a year.

1875, March 3, ch. 130, § 2, ante, p. 76.

—applications. 1890, July 11, ch. 667, par. 1, post, p. 772.

4.—for probation.

5.—against contributions for political purposes.

6.—against political coercion by officials.

7.—for non-competitive examinations in certain cases.

8.—for notice of appointment, rejection, transfer, resignation, and removal.

Exceptions to be published with rules.

III.—Commission to make regulations and keep records.

IV.—to investigate and report on execution of this act, &c.

V.—to make annual report.

Chief examiner.

—salary and expenses.

Secretary.

Stenographer and Messenger.

Boards of examiners; how constituted.

The commission shall, at Washington, and in one or more places in each State and Territory where examinations are to take place, designate and select a suitable number of persons, not less than three, in the official service of the United States, residing in said State or Territory, after consulting the head of the department or office in which such persons serve, to be members of boards of examiners, and may at any time substitute any other person in said service living in such State or Territory in the place of any one so selected.

Examinations; when and where made.

Such boards of examiners shall be so located as to make it reasonably convenient and inexpensive for applicants to attend before them; and where there are persons to be examined in any State or Territory, examinations shall be held therein at least twice in each year.

—public buildings may be used for.

It shall be the duty of the collector, postmaster, and other officers of the United States, at any place outside of the District of Columbia where examinations are directed by the President or by said board to be held, to allow the reasonable use of the public buildings for holding such examinations, and in all proper ways to facilitate the same.

Secretary Interior to provide rooms, &c., at Washington.

SEC. 4. That it shall be the duty of the Secretary of the Interior to cause suitable and convenient rooms and accommodations to be assigned or provided, and to be furnished, heated, and lighted, at the city of Washington, for carrying on the work of said commission and said examinations, and to cause the necessary stationery and other articles to be supplied, and the necessary printing to be done for said commission.

Violation of duties, &c., by commissioner and other officers and employés of commission.

SEC. 5. That any said commissioner, examiner, copyist, or messenger, or any person in the public service who shall willfully and corruptly, by himself or in co-operation with one or more other persons, defeat, deceive, or obstruct any person in respect of his or her right of examination according to any such rules or regulations, or who shall willfully, corruptly, and falsely mark, grade, estimate, or report upon the examination or proper standing of any person examined hereunder, or aid in so doing, or who shall willfully and corruptly make any false representations concerning the same or concerning the person examined, or who shall willfully and corruptly furnish to any person any special or secret information for the purpose of either improving or injuring the prospects or chances of any person so examined, or to be examined, being appointed, employed, or promoted, shall for each such offense be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than one hundred dollars, nor more than one thousand dollars, or by imprisonment not less than ten days, nor more than one year, or by both such fine and imprisonment.

Certain clerks in customs service to be classified.
R. S., § 163.

SEC. 6. That within sixty days after the passage of this act it shall be the duty of the Secretary of the Treasury, in as near conformity as may be to the classification of certain clerks now existing under the one hundred and sixty-third section of the Revised Statutes, to arrange in classes the several clerks and persons employed by the collector, naval officer, surveyor, and appraisers, or either of them, or being in the public service, at their respective offices in each customs district where the whole number of said clerks and persons shall be all together as many as fifty.

And thereafter, from time to time, on the direction of the President, said Secretary shall make the like classification or arrangement of clerks and persons so employed, in connection with any said office or offices, in any other customs district.

And, upon like request, and for the purposes of this act, said Secretary shall arrange in one or more of said classes, or of existing classes, any other clerks, agents, or persons employed under his department in any said district not now classified;

And every such arrangement and classification upon being made shall be reported to the President.

Second. Within said sixty days it shall be the duty of the Postmaster-General, in general conformity to said one hundred and sixty-third section, to separately arrange in classes the several clerks and persons employed, or in the public service, at each post-office, or under any postmaster of the United States, where the whole number of said clerks and persons shall together amount to as many as fifty. —in post-offices.

And thereafter, from time to time, on the direction of the President, it shall be the duty of the Postmaster-General to arrange in like classes the clerks and persons so employed in the postal service in connection with any other post-office; and every such arrangement and classification upon being made shall be reported to the President.

Third. That from time to time said Secretary, the Postmaster-General, and each of the heads of departments mentioned in the one hundred and fifty-eighth section of the Revised Statutes, and each head of an office, shall, on the direction of the President, and for facilitating the execution of this act, respectively revise any then existing classification or arrangement of those in their respective departments and offices, and shall, for the purposes of the examination herein provided for, include in one or more of such classes, so far as practicable, subordinate places, clerks, and officers in the public service pertaining to their respective departments not before classified for examination. —in all the Departments. R. S., § 158.

SEC. 7. That after the expiration of six months from the passage of this act no officer or clerk shall be appointed, and no person shall be employed to enter or be promoted in either of the said classes now existing, or that may be arranged hereunder pursuant to said rules, until he has passed an examination, or is shown to be specially exempted from such examination in conformity herewith. Appointments and promotions to be made only upon examination, &c. 17 Opins., 621.

But nothing herein contained shall be construed to take from those honorably discharged from the military or naval service any preference conferred by the seventeen hundred and fifty-fourth section of the Revised Statutes, nor to take from the President any authority not inconsistent with this act conferred by the seventeen hundred and fifty-third section of said statutes; —with preference to ex-soldiers and sailors, &c. R. S., §§ 1753, 1754.

Nor shall any officer not in the executive branch of the government, or any person merely employed as a laborer or workman, be required to be classified hereunder; —not to apply to laborers, &c.

Nor, unless by direction of the Senate, shall any person who has been nominated for confirmation by the Senate be required to be classified or to pass an examination. —nor to officers nominated to Senate, unless, &c.

SEC. 8. That no person habitually using intoxicating beverages to excess shall be appointed to, or retained in, any office, appointment, or employment to which the provisions of this act are applicable. Excessive use of intoxicants a bar to official position. 17 Opins., 554.

SEC. 9. That whenever there are already two or more members of a family in the public service in the grades covered by this act, no other member of such family shall be eligible to appointment to any of said grades. Members of a family in public service limited. 18 Opins., 83.

SEC. 10. That no recommendation of any person who shall apply for office or place under the provisions of this act which may be given by any Senator or member of the House of Representatives, except as to the character or residence of the applicant, shall be received or considered by any person concerned in making any examination or appointment under this act. Recommendations by members of Congress not to be considered, except, etc.

SEC. 11. That no Senator, or Representative, or Territorial Delegate of the Congress, or Senator, Representative, or Delegate elect, or any officer or employee of either of said houses, and no executive, judicial, military, or naval officer of the United States, and no clerk or employee of any department, branch or bureau of the executive, judicial, or military or naval service of the United States, shall, directly or indirectly, solicit or receive, or be in any manner con- Contributions for political purposes not to be solicited, &c., by certain officers.

cerned in soliciting or receiving, any assessment, subscription, or contribution for any political purpose whatever, from any officer, clerk, or employee of the United States, or any department, branch, or bureau thereof, or from any person receiving any salary or compensation from moneys derived from the Treasury of the United States.

—nor received in public offices.

SEC. 12. That no person shall, in any room or building occupied in the discharge of official duties by any officer or employee of the United States mentioned in this act, or in any navy-yard, fort, or arsenal, solicit in any manner whatever, or receive any contribution of money or any other thing of value for any political purpose whatever.

Immunity from official proscription, &c.

SEC. 13. No officer or employee of the United States mentioned in this act shall discharge, or promote, or degrade, or in manner change the official rank or compensation of any other officer or employee, or promise or threaten so to do, for giving or withholding or neglecting to make any contribution of money or other valuable thing for any political purpose.

Giving money, &c., to officials for political purposes prohibited.
106 U. S., 371.

SEC. 14. That no officer, clerk, or other person in the service of the United States shall, directly or indirectly, give or hand over to any other officer, clerk, or person in the service of the United States, or to any Senator or Member of the House of Representatives, or Territorial Delegate, any money or other valuable thing on account of or to be applied to the promotion of any political object whatever.

Penalty.

SEC. 15. That any person who shall be guilty of violating any provision of the four foregoing sections shall be deemed guilty of a misdemeanor, and shall, on conviction thereof, be punished by a fine not exceeding five thousand dollars, or by imprisonment for a term not exceeding three years, or by such fine and imprisonment both, in the discretion of the court. [January 16, 1883.]

Jan. 31, 1883.

22 Stat. L., 411.

CHAP. 40.—An act more effectually to suppress gaming in the District of Columbia.

Keeping gaming table, &c., in District Columbia; how punished.

R. S. of D. C., § 1162.

1878, April 29, ch. 68, *ante*, p. 158.

1891, March 2, ch. 497, *post*, p. 900.

Be it enacted, &c., That every person who shall in the District of Columbia, set up or keep any gaming table, or any house, vessel, or place on land or water for the purpose of gaming, or gambling device, commonly called A. B. C., faro-bank, E. O., roulette, equality, keno, thimbles or "little joker," or any kind of gambling table or gambling device, adapted, devised, and designed for the purpose of playing any game of chance for money or property, or who shall induce, entice or permit any person to bet or play at or upon any such gaming table or gambling device, or on the side or against the keeper thereof, shall, on conviction, be adjudged guilty of a misdemeanor, and shall be punished by imprisonment for a term not more than five years.

Permitting gaming tables, &c., to be kept in house, &c.

SEC. 2. That every person who shall, in the District of Columbia, knowingly permit any gaming table, bank, or device to be set up or used, for the purpose of gaming in any house, building, vessel, shed, booth, shelter, lot or other premises to him belonging, or by him occupied, or of which he hath at the time the possession or control, shall, on conviction, be adjudged guilty of a misdemeanor, and punished by imprisonment for not more than one year, and by fine not exceeding five hundred dollars.

Playing confidence game, &c.

R. S. of D. C., § 878.

SEC. 3. That every person who shall, in the District of Columbia, deal, play or practice, or be in any manner accessory to the dealing, playing or practicing of the confidence game or swindle known as three-card monte or of any such game, play, or practice, or any other confidence game, play or practice, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine

not exceeding one thousand dollars, and by imprisonment, at hard labor, in the jail of the District, not more than five years.

SEC. 4. That all games, devices, or contrivances at which money or any other thing shall be bet or wagered shall be deemed a gaming table within the meaning of this act; and the courts shall construe the preceding sections liberally, so as to prevent the mischief intended to be guarded against. Gaming table defined.

SEC. 5. That all laws inconsistent with this act are hereby repealed. Repeal.
[January 31, 1883.]

CHAP. 41.—An act to increase the police force of the District of Columbia, and for other purposes.

Jan. 31, 1883.

22 Stat. L., 412.

Be it enacted, &c., That section three hundred and forty of Revised Statutes of the United States relating to the District of Columbia be, and the same hereby is amended so as to read as follows:

“The police force shall consist of the following officers, namely: One major, one captain, ten lieutenants, twenty sergeants, such number of privates not exceeding two hundred and fifty for the regular service, as the Commissioners may deem necessary, and all promotions to the positions of captain, lieutenant, and sergeant shall be made from the next succeeding grade or rank on the force.” (1) Police force of District of Columbia; how constituted.

SEC. 2. That the detective force established by the aforesaid section of the Revised Statutes of the United States, relating to the District of Columbia, be and the same is hereby abolished. Substitute for R. S. of D. C., § 340. 1885, Feb. 25, ch. 145, par. 5, post, p. 476. Detective force abolished.

SEC. 3. That the Commissioners of the District of Columbia are hereby authorized to detail, from time to time, from the privates of the police, such number of privates, not exceeding six, as may in their judgment be necessary, for special service in the detection and prevention of crime; Policemen to be detailed as detectives, &c.

And such privates so specially detailed shall be entitled to receive and shall be paid the compensation now allowed by law to the detective force abolished by this act, during such time as they shall continue so detailed by the order of the Commissioners. —compensation. R. S. of D. C., § 466.

SEC. 4. That the Commissioners may, and they are hereby, authorized to appoint not more than six privates, to be members of the police force, from among citizens of the United States who have or have not served in the Army and Navy of the United States, but who shall possess all the other qualifications prescribed by section three hundred and fifty-four of the Revised Statutes of the United States relating to the District of Columbia. [January 31, 1883.] Six privates may be appointed from citizens who have not served in Army or Navy. R. S. of D. C., § 354.

NOTE.—(1) See 1873, June 20, ch. 360, par. 2, and note, ante, p. 202.

CHAP. 43.—An act to amend section thirty-seven hundred and eighty of the Revised Statutes.

Feb. 12, 1883.

22 Stat. L., 414.

Be it enacted, &c., That section thirty-seven hundred and eighty of the Revised Statutes be amended so as to read:

“When the probable cost of the maps or plates accompanying one work or document exceeds one thousand two hundred dollars, the lithographing or engraving thereof shall be awarded to the lowest and best bidder, after advertisement, by the Congressional Printer, under the direction of the Joint Committee on Public Printing. Public Printer to advertise for engraving, &c., when cost exceeds \$1,200, except, &c.

But the committee may authorize him to make immediate contracts for lithographing, or engraving whenever, in their opinion, the exigencies of the public service do not justify advertisements for proposals”. [February 12, 1883.] Substitute for R. S., § 3780. 1874, June 23, ch. 455, par. 1, ante, p. 41.

Feb. 28, 1883.

22 Stat. L., 431.

CHAP. 58.—An act making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June thirtieth, eighteen hundred and eighty-four, and for other purposes.

Be it enacted, &c., * * SEC. 2. That section forty-seven hundred and forty-five, title fifty-seven of the Revised Statutes of the United States is hereby amended to read as follows:

Pledge or transfer of pension void. Both pledger and pledgee punishable.

Substitute for R. S., § 4745. 98 U. S., 343.

Retaining pension certificate punishable.

SEC. 4745.—Any pledge, mortgage, sale, assignment, or transfer of any right, claim, or interest in any pension which has been, or may hereafter be, granted, shall be void and of no effect, and any person who shall pledge, or receive as a pledge, mortgage, sale, assignment or transfer of any right, claim, or interest in any pension, or pension certificate, which has been, or may hereafter be granted or issued, or who shall hold the same as collateral security for any debt, or promise, or upon any pretext of such security, or promise, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not exceeding one hundred dollars and the costs of the prosecution;

And any person who shall retain the certificate of a pensioner and refuse to surrender the same upon the demand of the Commissioner of Pensions, or a United States pension agent, or any other person, authorized by the Commissioner of Pensions, or the pensioner, to receive the same shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not exceeding one hundred dollars and the costs of the prosecution. [*February 28, 1883.*]

March 2, 1883.

22 Stat. L., 451.

CHAP. 64.—An act to prevent the importation of adulterated and spurious Teas.

Importation of adulterated and spurious teas prohibited.

1890, Oct. 1, ch. 1244, par. 732, post, p. 855.

Importer, &c. to give bond.

Samples to be examined as to purity and fitness for consumption, &c.

Conditions of bond.

When permit may be given for removal after examination.

Be it enacted, &c., That from and after the passage of this act it shall be unlawful for any person or persons or corporation to import or bring into the United States any merchandise for sale as tea, adulterated with spurious leaf or with exhausted leaves, or which contains so great an admixture of chemicals or other deleterious substances as to make it unfit for use; and the importation of all such merchandise is hereby prohibited.

SEC. 2. That on making entry at the custom house of all tea or merchandise described as tea imported into the United States, the importer or consignee shall give a bond to the collector of the port that such merchandise shall not be removed from warehouse until released by the custom house authorities, who shall examine it with reference to its purity and fitness for consumption;

And that for the purpose of such examination samples of each line in every invoice shall be submitted by the importer or consignee to the examiner, with his written statement that such samples represent the true quality of each and every part of the invoice, and accord with the specification therein contained; and in case the examiner has reason to believe that such samples do not represent the true quality of the invoice, he shall make such further examination of the tea represented by the invoice, or any part thereof, as shall be necessary;

Provided, That such further examination of such tea shall be made within three days after entry thereof has been made at the custom-house;

And provided further, That the bond above required shall also be conditioned for the payment of all custom house charges which may attach to such merchandise prior to its being released or destroyed (as the case may be) under the provisions of this act.

SEC. 3. That if, after an examination, as provided in section two, the tea is found by the examiner not to come within the prohibition of this act, a permit shall at once be granted to the importer or consignee declaring the tea free from control of the custom authorities;

But if on examination such tea, or merchandise described as tea, is found, in the opinion of the examiner, to come within the prohibitions of this act, the importer or consignee shall be immediately notified, and the tea, or merchandise described as tea, so returned shall not be released by the custom house, unless on a re-examination called for by the importer or consignee, the return of the examiner shall be found erroneous:

When not to be released.

Provided, That should a portion of the invoice be passed by the examiner, a permit shall be granted for that portion, and the remainder held for further examination, as provided in section four.

SEC. 4. That in case of any dispute between the importer or consignee and the examiner, the matter in dispute shall be referred for arbitration to a committee of three experts, one to be appointed by the collector, one by the importer, and the two to choose a third, and their decision shall be final;

Dispute between importer and examiner to be decided by arbitration.

And if upon such final re-examination, the tea shall be found to come within the prohibitions of this act, the importer or consignee shall give a bond, with securities satisfactory to the collector to export said tea, or merchandise described as tea, out of the limits of the United States, within a period of six months after such final re-examination;

Adulterated tea to be taken out of country or destroyed.

But if the same shall not have been exported within the time specified, the collector, at the expiration of that time, shall cause the same to be destroyed.

SEC. 5. That the examination and appraisement herein provided for shall be made by a duly qualified appraiser of the port at which said tea is entered, and when entered at ports where there are no appraisers, such examination and appraisement shall be made by the revenue officers to whom is committed the collection of duties, unless the Secretary of the Treasury shall otherwise direct.

Examination and appraisement, by whom to be made.

SEC. 6. That leaves to which the term "exhausted" is applied in this act shall mean and include any tea which has been deprived of its proper quality, strength, or virtue by steeping, infusion, decoction, or other means.

"Exhausted" defined.

SEC. 7. That teas actually on shipboard for shipment to the United States at the time of the passage of this act shall not be subject to the prohibition thereof.

Teas exempt from act.

SEC. 8. That the Secretary of the Treasury shall have the power to enforce the provisions of this act by appropriate regulations. [March 2, 1883.]

Regulations by Secretary of Treasury.

CHAP. 91.—An act to amend the pension laws by increasing the pensions of soldiers and sailors who have lost an arm or leg in the service, and for other purposes. (1)

March 3, 1868.

22 Stat. L., 453.

Be it enacted, &c., That from and after the passage of this act all persons on the pension-roll, and all persons hereafter granted a pension, who, while in the military or naval service of the United States, and in the line of duty, shall have lost one hand or one foot, or been totally or permanently disabled in the same, or otherwise so disabled as to render their incapacity to perform manual labor equivalent to the loss of a hand or a foot, shall receive a pension of twenty-four dollars per month;

Rate of pension for loss of hand or foot, or equivalent disability.

R. S., § 4689.

1886, Aug. 4, ch. 899, *post*, p. 511.

That all persons now on the pension-roll, and all persons hereafter granted a pension, who in like manner shall have lost either an arm

NOTE.—(1) The rates of \$24 and \$30 per month fixed by this act for loss of a hand or foot and for loss of an arm or leg at or above the elbow or knee are increased to \$30 and \$36 by 1886, Aug. 6, ch. 899, *post*, p. 511. By the same act \$45 per month is granted for loss of an arm at the shoulder joint or a leg at the hip joint, or so near as to prevent the use of an artificial limb. The above act of 1889 grants \$24 per month for incapacity for manual labor, equivalent to the loss of a hand or a foot, and \$30 for incapacity for any manual labor. The rates for these equivalent disabilities are not increased by the act of 1886. The rates fixed by these acts are not divisible for a less degree of disability. If a disability is less than the loss of a hand or foot the rate of pension granted is the due proportion of the rate of \$18 per month, fixed by R. S., §§ 4768, 4769, for the loss of a hand or foot. Such proportion of this is given as the disability bears to the loss of a hand or foot, up to \$17. If the disability is equal to the loss of a hand or foot, the rate becomes \$24 under the above act. There is no rate between \$17 and \$24 except under special provisions.

—for loss of arm or leg, or incapacity to perform any manual labor.

These rates not divisible for proportionate disability.

R. S., §§ 4195, 4699.

1877, Feb. 28, ch. 73, *ante*, p. 131.

at or above the elbow, or a leg at or above the knee, or shall have been otherwise so disabled as to be incapacitated for performing any manual labor, but not so much as to require regular personal aid and attendance, shall receive a pension of (2) thirty dollars per month:

Provided, That nothing contained in this act shall be construed to repeal section forty-six hundred and ninety-nine of the Revised Statutes of the United States, or to change the (3) rate of eighteen dollars per month therein mentioned to be proportionately divided for any degree of disability established for which section forty-six hundred and ninety-five makes no provision. [March 3, 1883.]

NOTES.—(2) The next higher rate to this except for specific disabilities is \$72 per month under 1890, March 4, ch. 25, *post*, p. 707.
(3) See note (1) on page 390.

March 3, 1883.

22 Stat. L., 456.

Deposits by soldiers of \$5, &c., to bear interest.

R. S., § 1306.

1890, June 16, ch. 426, § 1, *post*, p. 757.

Mileage of army officers; how computed when allowed.

R. S., § 1273.

1876, July 24, ch. 226, § 2, *ante*, p. 113.

Retirement of officers explained.

1878, June 18, ch. 263, § 7, *ante*, p. 189.

1882, June 30, ch. 254, par. 2, *ante*, p. 348.

1891, Feb. 16, ch. 238, *post*, p. 893.

Assignment by brevet rank.

R. S., § 1211.

1890, Feb. 27, ch. 20, *post*, p. 705.

Vacancies in Quartermaster's and Commissary's Department.

R. S., § 1132.

Civilian employees may purchase medical supplies.

R. S., § 1173.

CHAP. 93.—An act making appropriations for the support of the Army for the fiscal year ending June thirtieth, eighteen hundred and eighty-four, and for other purposes.

Be it enacted, &c., * * [Par. 1.] Section thirteen hundred and six of the Revised Statutes is hereby so amended as to strike out the word "fifty," where it occurs in said section, and in lieu thereof inserting the word "five;"

[Par. 2.] And from and after the passage of this act (1) mileage of officers of the Army shall be computed over the shortest usually traveled routes between the points named in the order, and the necessity for such travel in the military service shall be certified to by the officer issuing the order and stated in said order. * *

[Par. 3.] That nothing contained in the act making appropriations for the support of the Army for the fiscal year ending June thirtieth, eighteen hundred and eighty-three, approved June thirtieth, eighteen hundred and eighty-two, shall be so construed as to prevent, limit, or restrict retirements from active service in the Army, as authorized by law in force at the date of the approval of said act, retirements under the provisions of said act of June thirtieth, eighteen hundred and eighty-two, being in addition to those theretofore authorized by law.

And provided further, That officers of the Army shall only be assigned to duty or command according to their brevet rank when actually engaged in hostilities: * *

[Par. 4.] Hereafter vacancies occurring in the Quartermasters and Commissary's Departments of the Army may in the discretion of the President be filled from civil life * *

[Par. 5.] That civilian employees of the Army stationed at military posts may, under regulations to be made by the Secretary of War, purchase necessary medical supplies, prescribed by a medical officer of the Army, at cost, with ten per centum added. * * [March 3, 1883.]

NOTE.—(1) See notes on mileage to 1875, March 3, ch. 133, par. 1, *ante*, p. 81, and 1890, June 23, ch. 423, par. 1, *post*, p. 756.

March 3, 1883.

22 Stat. L., 462.

Railroads to pay for lighting streets.

R. S. of D. C., § 674.

CHAP. 95.—An act making appropriations to provide for the expenses of the Government of the District of Columbia for the fiscal year ending June thirtieth, eighteen hundred and eighty-four, and for other purposes.

Be it enacted, &c., * * [Par. 1.] Hereafter all railroad companies using engines propelled by steam shall pay to the District for the lighting of the streets, avenues, alleys, and grounds through which their tracks may be laid, under the direction and control of the Commissioners; and in case of default of payment of such bills, actions at law may be maintained by the District of Columbia, against said railroad companies therefor. * *

[Par. 2.] That hereafter, whenever any horses, carriages, or wagons, or property of any description may become unfit for service in the judgment of the Commissioners, the same shall be sold at auction to the highest bidder, after due advertisement, and the proceeds thereof shall be paid into the Treasury of the United States to the credit of the appropriation out of which the purchase was made. * * [March 3, 1883.]

Property unfit for service to be sold.

1889, March 2, ch. 370, § 3, *post*, p. 678.

CHAP. 97.—An act making appropriations for the naval service for the fiscal year ending June thirtieth, eighteen hundred and eighty-four, and for other purposes.

March 3, 1883.

22 Stat. L., 472.

Be it enacted, &c., * * [Par. 1.] For the pay of * * one hundred masters, the title of which grade is hereby changed to that of lieutenants.

Masters in Navy to be styled lieutenants.

R. S., §§ 1362, 1363, 1466, 1556.

— to be a junior grade.

And the masters now on the list shall constitute a junior grade of, and be commissioned as, lieutenants, having the same rank and pay as now provided by law for masters, but promotion to and from said grade shall be by examination as provided by law for promotion to and from the grade of master,

And nothing herein contained shall be so construed as to increase the pay now allowed by law to any officer in the line or staff; * *

Pay not increased.

[Par. 2.] Ninety-one midshipmen, the title of which grade is hereby changed to that of ensign.

Midshipman to be styled ensign.

R. S., §§ 1362, 1556.

— to be a junior grade.

And the midshipman now on the list shall constitute a (1) junior grade of, and be commissioned as, ensigns, having the same rank and pay as now provided by law for midshipmen, but promotions to and from said grade shall be under the same regulations and requirements as now provided by law for promotion to and from the grade of midshipmen,

1884, June 26, ch. 122, *post*, p. 446.

And nothing herein contained shall be so construed as to increase the pay now allowed by law to any officer of said grade or of any officer of relative rank; * *

Pay not increased.

[Par. 3.] Two assistant surgeons not in the line of promotion who shall hereafter, after fifteen years' service, be entitled to receive, as annual pay, when at sea, two thousand one hundred dollars, when on shore duty, one thousand eight hundred dollars, and when on leave or waiting orders, one thousand six hundred dollars: * *

Pay of assistant surgeons not in line of promotion.

[Par. 4.] Hereafter only one half the vacancies in the various grades in the staff corps of the navy shall be filled by promotion until such grades shall be reduced to the numbers fixed for the several grades of the staff corps of the navy by the act of August fifth, eighteen hundred and eighty two, making appropriations for the naval service for the fiscal year ending June thirtieth, eighteen hundred and eighty three, and for other purposes. * *

Reduction of staff corps, how effected.

1882, August 5, ch. 391, par. 3, *ante*, p. 376.

[Par. 5.] And all officers of the Navy shall be (2) credited with the actual time they may have served as officers or enlisted men in the regular or volunteer Army or Navy, or both, and shall receive all the benefits of such actual service in all respects in the same manner as if all said service had been continuous and in the regular Navy in the lowest grade having graduated pay held by such officer since last entering the service:

Credit of time for regular volunteer and other service.

19 C. Cls. 611,

21 C. Cls., 20,

332.

22 C. Cls., 140.

23 C. Cls., 90,

181.

120 U. S., 60,

249.

138 U. S., 293.

Provided, That nothing in this clause shall be so construed as to authorize any change in the dates of commission or in the relative rank of such officers:

Provided further, That nothing herein contained shall be so construed as to give any additional pay to any such officer during the time of his service in the volunteer army or navy. * * *

NOTES.—(1) Grade of junior ensign abolished by 1884, June 26, ch. 122, *post*, p. 446.

(2) This paragraph in a slightly different form first appeared in 1882, Aug. 5, ch. 291 (22 Stat. L., 287).

Shore duty, when allowed, and how ordered.

SEC. 2. That hereafter no officer of the Navy shall be employed on any shore duty, except in cases specially provided by law, unless the Secretary of the Navy shall determine that the employment of an officer on such duty is required by the public interests, and he shall so state in the order of employment, and also the duration of such service, beyond which time it shall not continue. [March 3, 1883.]

March 3, 1883.

CHAP. 101.—An act in relation to certain fees allowed registers and receivers.

22 Stat. L., 484.

Be it enacted, &c. [Section 1 superseded, 1887, March 3, ch. 362, par. 4, post, p. 563.]

Plats of townships to be made for private parties and fees therefor.

SEC. 2. That registers and receivers shall, upon application, furnish plats or diagrams of townships in their respective districts showing what lands are vacant and what lands are taken, and shall be allowed to receive compensation therefor from the party obtaining said plat or diagram at such rates as may be prescribed by the Commissioner of the General Land Office and said officers shall, upon application by the proper State or Territorial authorities, furnish, for the purpose of taxation, a list of all lands sold in their respective districts, together with the names of the purchasers, and shall be allowed to receive compensation for the same not to exceed ten cents per entry;

—fees not part of maximum salary. R. S., § 2240.

And the sums thus received for plats and lists shall not be considered or taken into account in determining the maximum of compensation of said officers. [March 3, 1883.]

March 3, 1883.

CHAP. 102.—An act to amend an act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts

22 Stat. L., 484.

Agricultural Colleges—investment of proceeds of lands sold.

Be it enacted, &c., That the fourth section of the act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts, approved July second, eighteen hundred and sixty-two, be, and the same is hereby, amended so as to read as follows:

Substitute for 1862, July 2, ch. 130, § 4 (12 Stat. L., 504).
1874, June 20, ch. 330, ante, p. 19.

“SEC. 4. That all moneys derived from the sale of lands aforesaid by the States to which the lands are apportioned, and from the sales of land-scrip hereinbefore provided for, shall be invested in stocks of the United States or of the States, or some other safe stocks; or the same may be invested by the States having no State stocks, in any other manner after the legislatures of such States shall have assented thereto, and engaged that such funds shall yield not less than five per centum upon the amount so invested and that the principal thereof shall forever remain unimpaired:

—to constitute fund for endowment of colleges.

Provided, That the moneys so invested or loaned shall constitute a perpetual fund, the capital of which shall remain forever undiminished (except so far as may be provided in section five of this act), and the interest of which shall be inviolably appropriated, by each State which may take and claim the benefit of this act, to the endowment, support, and maintenance of at least one college where the leading object shall be without excluding other scientific and classical studies, and including military tactics, to teach such branches of learning as are related to agriculture and the mechanic arts, in such manner as the legislatures of the States may respectively prescribe, in order to promote the liberal and practical education of the industrial classes in the several pursuits and professions in life.” [March 3, 1883.]

CHAP. 116.—An act to afford assistance and relief to Congress and the executive departments in the investigation of claims and demands against the government. (1)

March 3, 1883.

22 Stat. L., 485.

Be it enacted, &c., That whenever a claim or matter is pending before any committee of the Senate or House of Representatives, or before either House of Congress, which involves the investigation and determination of facts, the committee or house may cause the same, with the vouchers, papers, proofs, and documents pertaining thereto, to be transmitted to the court of Claims of the United States, and the same shall there be proceeded in under such rules as the court may adopt.

Either House of Congress or any committee may send to Court of Claims any claim or matter.

R. S., §§ 1059, (par. 1), 1060.

C. Cls., 596, 690.

25 C. Cls., 75, 82.

Facts found to be reported to Congress.

When the facts shall have been found, the court shall not enter judgment thereon, but shall report the same to the committee or to the house by which the case was transmitted for its consideration.

SEC. 2. That when a claim or matter is pending in any of the executive departments which may involve controverted questions of fact or law, the head of such department may transmit the same, with the vouchers, papers, proofs, and documents pertaining thereto, to said court, and the same shall be there proceeded in under such rules as the court may adopt.

Heads of Departments may send to Court of Claims any claim or matter.

R. S., §§ 1063, 1064. 1887, Mar. 20 C. Cls., 119, 253, 342, 352.

25 C. Cls., 323, 339.

When the facts and conclusions of law shall have been found, the court shall not enter judgment thereon, but shall report its findings and opinions to the Department by which it was transmitted for its guidance and action.

SEC. 3. The jurisdiction of said court shall not extend to or include any claim against the United States growing out of the destruction or damage to property by the Army or Navy during the war for the suppression of the rebellion, or for the use and occupation of real estate by any part of the military or naval forces of the United States in the operations of said forces during the said war at the seat of war;

On report from the court the Department to be guided by findings and opinion.

Jurisdiction not to extend to certain war claims.

R. S., § 1059 (par. 4).

21 C. Cls., 225, 228, 240, 317. 23 C. Cls., 433.

Nor shall the said court have jurisdiction of any claim against the United States which is now barred by virtue of the provisions of any law of the United States.

—nor to claims now barred by law.

R. S., §§ 1069, 253, 307, 466, 488.

25 C. Cls., 122, 192, 274.

SEC. 4. In any case of a claim for supplies or stores taken by or furnished to any part of military or naval forces of the United States for their use during the late war for the suppression of the rebellion, the petition shall aver that the person who furnished such supplies or stores, or from whom such supplies or stores were taken, did not give any aid or comfort to said rebellion, but was throughout that war loyal to the Government of the United States, and the fact of such loyalty shall be a jurisdictional fact;

In claims for supplies furnished Army or Navy during late war, loyalty to be averred.

R. S., §§ 300 (A. B.), 1072.

23 C. Cls., 160, 336.

And unless the said court shall, on a preliminary inquiry, find that the person who furnished such supplies or stores, or from whom the same were taken as aforesaid, was loyal to the Government of the United States throughout said war, the court shall not have jurisdiction of such cause, and the same shall, without further proceedings, be dismissed.

—unless proved court not to have jurisdiction.

R. S., §§ 1073, 1074. 21 C. Cls., 205, 282. 24 C. Cls., 116.

SEC. 5. That the Attorney-General, or his assistants, under his direction, shall appear for the defense and protection of the interests of the United States in all cases which may be transmitted to the Court of Claims under this act, with the same power to interpose counter-claims, offsets, defenses for fraud practiced or attempted to be practiced by claimants, and other defenses, in like manner as he is now required to defend the United States in said court.

Attorney-General to defend United States and may interpose counter-claims, &c.

R. S., §§ 359, 1059 (par. 2), 1086.

SEC. 6. That in the trial of such cases no person shall be excluded as a witness because he or she is a party to or interested in the same.

Parties and persons interested may be witnesses.

1887, Mar. 3, ch. 359, § 8, post, p. 561.

NOTE.—(1) On the jurisdiction of the Court of Claims, see note to 1887, March 3, ch. 359, post, p. 569.

Reports of court to Congress shall be continued till acted upon.

SEC. 7. That reports of the Court of Claims to Congress under this act, if not finally acted upon during the session at which they are reported, shall be continued from session to session and from Congress to Congress until the same shall be finally acted upon. [March 3, 1883.]

March 3, 1883.

22 Stat. L., 487.

Public lands in Alabama, mineral or otherwise, subject to sale only as agricultural lands.

R. S., § 2318.
1889, March 2, ch. 381, post, p. 682.

CHAP. 118.—An act to exclude the public lands in Alabama from the operation of the laws relating to mineral lands.

Be it enacted, &c., That within the State of Alabama all public lands, whether mineral or otherwise, shall be subject to disposal only as agricultural lands:

Provided however, That all lands which have heretofore been reported to the General Land Office as containing coal and iron shall first be offered at public sale. [*Remainder of act relates to pending homestead entries.*] [March 3, 1883.]

March 3, 1883.

22 Stat. L., 487.

Secretary of War may make rules respecting bids for contracts, require bonds, &c.

R. S., §§ 3709, 3714-3717.

1878, April 10, ch. 58, ante, p. 157.

CHAP. 120.—An act to amend chapter fifty-eight of volume twenty of the United States Statutes at Large, relating to contracts under the War Department.

Be it enacted, &c., That chapter fifty-eight of volume twenty of the United States Statutes at Large, entitled "An act to authorize the Secretary of War to prescribe rules and regulations to be observed in the preparation, submission, and opening of bids for contracts under the War Department," be amended by striking therefrom everything following the words "War Department," and substituting for the part of the act so stricken out the following words:

"And he may require every bid to be accompanied by a written guarantee, signed by one or more responsible persons, to the effect that he or they undertake that the bidder, if his bid is accepted, will, at such time as may be prescribed by the Secretary of War or the officer authorized to make a contract in the premises, give bond, with good and sufficient sureties, to furnish the supplies proposed or to perform the service required.

Failure of bidder to enter into contract.

If after the acceptance of a bid and a notification thereof to the bidder he fails within the time prescribed by the Secretary of War or other duly authorized officer to enter into a contract and furnish a bond with good and sufficient security for the proper fulfillment of its terms, the Secretary or other authorized officer shall proceed to contract with some other person to furnish the supplies or perform the service required, and shall forthwith cause the difference between the amount specified by the bidder in default in the proposal and the amount for which he may have contracted with another party to furnish the supplies or perform the service for the whole period of the proposal to be charged up against the bidder and his guarantor or guarantors, and the sum may be immediately recovered by the United States for the use of the War Department in an action of debt against either or all of such persons." [March 3, 1883.]

March 3, 1883.

22 Stat. L., 488.

Repeal of internal-revenue taxes on capital and deposits of banks.

R. S., §§ 3408, 5314.

CHAP. 121.—An act to reduce internal-revenue taxation, and for other purposes.

Be it enacted, &c., That the taxes herein specified imposed by the laws now in force be, and the same are hereby, repealed, as herein after provided, namely:

On capital and deposits of banks, bankers, and national banking associations, except such taxes as are now due and payable;

And on and after the first day of July, eighteen hundred and eighty-three, the stamp tax on bank checks, drafts, orders, and vouchers, and the tax on matches, perfumery, medicinal preparations, and other articles imposed by Schedule A following section thirty-four hundred and thirty-seven of the Revised Statutes:

* * [Remainder of section temporary.] * *

SEC. 2, 3. [Superseded 1890, October 1, ch. 1244, § 26, post, p. 862.]

SEC. 4. * * [Words omitted, superseded, 1890, October 1, ch. 1244, § 30, post, p. 864.]

On cigars which shall be manufactured and sold or removed for consumption or sale on and after the first day of May, eighteen hundred and eighty-three, 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, three dollars per thousand;

On cigarettes weighing not more than three pounds per thousand, fifty cents per thousand;

On cigarettes weighing more than three pounds per thousand, three dollars per thousand; * * [Omitted words are temporary and executed.]

SEC. 5. That from and after the passage of this act every manufacturer of tobacco or snuff shall, in addition to all other requirements of law, 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 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 penalties of law, not to use this package for tobacco again.

[Remainder of act superseded 1890, June 10, ch. 407; October 1, ch. 1244, post, pp. 744, 812.]

[March 3, 1883.]

CHAP. 123.—An act to modify the postal money-order system, and for other purposes.

Be it enacted, &c., [SEC. 1. For substitute, see 1887, January 3, ch. 13, post, p. 517.]

SEC. 2. That the provisions of section thirty-eight hundred and thirty-four, title forty-six, chapter one, and the provisions of sections four thousand and twenty-seven, four thousand and thirty, four thousand and thirty-nine, four thousand and forty-one, four thousand and forty-two, four thousand and forty-three, four thousand and forty-four, four thousand and forty-five, four thousand and forty-six, and four thousand and forty-eight, title forty-six, chapter thirteen, of the Revised Statutes, edition of eighteen hundred and seventy-eight, shall be deemed and taken to be applicable to postal notes as well as to money-orders;

And that in addition to the authority granted by section four thousand and forty-eight of said Revised Statutes to the Postmaster-General to pay out of the proceeds of the money-order business the cost of stationery and such incidental expenses as are necessary for the transaction of that business, he is hereby authorized to pay out of the proceeds of said business the compensation of an agent and the necessary assistants to distribute postal notes to postmasters, and also the necessary incidental expenses of the agency; and such agent shall, before entering upon his duties, give bond for the faithful performance thereof in such sum and form and with such security as the Postmaster-General may approve.

And all blanks, blank-books, and printed or engraved matter supplied to postmasters by the Postmaster-General or used in his depart-

Stamp on bank checks, &c., matches, perfumery, medicinal preparations, &c.
R. S., Schedule A, following § 3437, p. 678.

Tax on cigars and cigarettes.
R. S., § 3368.
1879, March 1, ch. 125, § 14, ante, p. 240.
1890, Oct. 1, ch. 1244, § 32, post, p. 864.

Label to be pasted on each package, &c., of tobacco and snuff.
R. S., § 3364.

March 3, 1883.

22 Stat. L., 526.

Postal notes: money-order laws applicable to.

R. S., §§ 3834, 4027, 4030, 4039, 4041-4046, 4048.
1887, Jan. 3, ch. 13, post, p. 517.
1888, June 18, ch. 394, § 2, post, p. 593.

Agent and assistants to distribute postal notes, authorized.
R. S., § 4048.

Bond.

Blanks, blank-books, &c., to be

obtained from lowest responsible bidder.

Public Printer and Bureau of Engraving may submit estimates.

Money-order; not for more than \$100.

Fees for issues.

R. S., § 4032, 1886, June 29, ch. 568, *post*, p. 498.

Postmasters at certain money-order offices may employ clerks, &c.

Pay for clerical labor in money-order business.

R. S., §§ 4047, 4048.

1886, June 29, ch. 569, § 2, *post*, p. 499.

1889, March 2, ch. 374, par. 1, *post*, p. 679.

Additional allowances to certain postmasters.

ment for the transaction of the money-order business shall be obtained from the lowest responsible bidders for furnishing printed and engraved matter, respectively, under separate advertisements calling for proposals to furnish the same for a period of four years, upon such conditions as the Postmaster-General may prescribe:

Provided, That the Public Printer and the Chief of the Bureau of Engraving and Printing of the Treasury Department shall submit, respectively, estimates of the cost of furnishing such printed and engraved matter as may be required for use in the money-order business, and they shall furnish such printed and engraved matter whenever upon their estimates of cost the expenditure therefor will be less than upon proposals made as above provided for.

SEC. 3. That a money-order shall not be issued for more than one hundred dollars,

And that the fees for money-orders shall be as follows, to wit:

For orders (1) not exceeding ten dollars, eight cents.

For orders exceeding ten dollars and not exceeding fifteen dollars, ten cents.

For orders exceeding fifteen dollars and not exceeding thirty dollars, fifteen cents.

For orders exceeding thirty dollars and not exceeding forty dollars, twenty cents.

For orders exceeding forty dollars and not exceeding fifty dollars, twenty-five cents.

For orders exceeding fifty dollars and not exceeding sixty dollars, thirty cents.

For orders exceeding sixty dollars and not exceeding seventy dollars, thirty-five cents.

For orders exceeding seventy dollars and not exceeding eighty dollars, forty cents.

For orders exceeding eighty dollars and not exceeding one hundred dollars, forty-five cents.

SEC. 4. That postmasters at money-order post-offices whose annual salary is not less than three thousand dollars may be allowed by the Postmaster-General to employ such number of clerks in the transaction of their money-order business, and at such rates of compensation, respectively, as he may deem expedient;

And at all other money-order post-offices the compensation for the clerical labor employed in the money-order business, including the issue and payment of postal notes, shall be three and one-half cents for each domestic or international money-order issued, paid, or repaid, and one cent for each postal note issued, and three-quarters of one cent for each postal note paid thereat, and in case any office is designated to receive on deposit surplus money-order funds from other post-offices, three and one-half cents for each certificate issued in acknowledgment of the receipt of such funds;

But the total allowance made by the Postmaster-General for money-order clerks at any first-class office shall be based, as nearly as possible, upon the number of transactions, at the same rate for each transaction as is above fixed for the compensation of clerical labor at other post-offices, and the compensation of the postmasters and the clerks provided for in this section shall be paid out of the fees received for the issue of money-orders and postal notes:

Provided, That in addition to an allowance for clerical service at the rates above mentioned, the Postmaster-General may allow to the postmaster at New York, New York, to the postmaster at San Francisco, California, to the postmaster at Portland, Oregon, and to the postmaster at each international exchange office, such amount in each case, out of the proceeds of the money-order business, as he may deem expedient to enable these postmasters to obtain the clerical labor necessary for the performance of such special duties as are imposed

NOTES.—(1) On orders not exceeding \$5, reduced to 5 cents by 1886, June 29, ch. 568, *post*, p. 498.

upon them by the operations of the money-order system, and are not required of other postmasters:

And provided further, That credit shall not be allowed to a postmaster at a first-class office on account of any expenditure in payment of clerical service in the money-order business of his office except upon a voucher duly receipted by the person by whom such service shall have been performed: Credit allowed only upon vouchers, &c.

And provided further, That the salaries of postmasters, as fixed by law, shall be deemed and taken to be full compensation for the responsibility and risk incurred and for the personal services rendered by them as custodians of the money-order and other funds of the Post-Office Department. Salaries to be in full.
R. S., § 4047.
1883, March 3, ch. 142, §§ 1, 2, post, pp. 417, 419.

SEC. 5. That the Auditor of the Treasury for the Post-Office Department shall, as soon as practicable after the close of the present fiscal year, transmit to the Postmaster-General a statement of the aggregate amount of all money-orders which at the beginning of said year shall have remained unpaid for a period of seven years or more after the date of their issue; Amount of unpaid money-orders outstanding seven years to be reported by Sixth Auditor.
R. S., § 276.

And as soon as practicable after the close of each fiscal year thereafter he shall transmit in like manner a statement of the aggregate amount of all money-orders and postal notes which at the commencement of such year shall have remained unpaid for less than eight and not less than seven years after the date of their issue;

And the Postmaster-General shall cause the aggregate amount of such unpaid orders and postal notes as reported annually by the Auditor to be deposited in the Treasury, to the credit of the Treasurer of the United States, for the service of the Post-Office Department. — to be deposited in Treasury, &c.

But nothing contained in this act shall be so construed as to prevent the payment, out of current money-order funds, by duplicate issued under the authority of the Postmaster-General, of any lost or invalid money-order or of any invalid postal note more than seven years old, upon the presentation of satisfactory proof to the Postmaster-General of the ownership of such money-order or upon the production of such invalid postal note in accordance with the provisions of (2) section one of this act; Payment of duplicates, &c.
R. S., §§ 4036-4040.

And the total amount of such lost or invalid money-orders and invalid postal notes more than seven years old paid during each year by duplicate shall be deducted from the aggregate amount of unpaid money-orders and postal notes to be deposited at the close thereof in the Treasury as hereinbefore provided

SEC. 6. That all laws or parts of laws inconsistent with the provisions of this act shall be void in so far as they may apply to cases which may arise under this act: Repeal.

Provided, That the provisions of this act shall be put into operation by the Postmaster-General within six months after the date of its approval by the President. [March 3, 1883.]

NOTE.—(2) See substitute, 1887, Jan. 3, ch. 13, §1, post, p. 517.

CHAP. 124.—An act to amend certain sections of the Revised Statutes relating to the District of Columbia.

March 3, 1883.

22 Stat. L., 529.

Be it enacted, &c., That section five hundred and thirty-four of the Revised Statutes of the United States relating to the District of Columbia be, and is hereby, amended so as to read as follows:

“SEC. 534. Such society or congregation may assume a name, and any number of trustees, not exceeding ten, who shall be styled trustees of such society or congregation by the name so assumed, may be elected or appointed according to the rules or discipline governing the church or denomination to which said society or congregation may belong.”

Religious societies, District of Columbia; name of and number of trustees.

Substitute for R. S. of D. C., § 534.

1874, March 27, ch. 72, ante, p. 7.

1884, April 23, ch. 28, post, p. 425.

Trustees' term of office, vacancies, rules, &c.

Substitute for
R. S. of D. C.,
§ 536.

4 Mackey (D.C.),
48.
187 U. S., 568.

—election on expiration of service.

Substitute for
R. S. of D. C.,
§ 537.

—powers and duties of, as to sale of lands.

Substitute for
R. S. of D. C.,
§ 541.

—as to mortgaging lands.

Substitute for
R. S. of D. C.,
§ 542.

That section five hundred and thirty-six be, and is hereby, amended so as to read as follows:

“SEC. 536. The trustees shall hold office during the period stated in their certificates, and vacancies in the office of trustee may be filled by election or appointment as provided in section five hundred and thirty-four; and rules and regulations may be adopted in relation to the management of the estate and the duties of trustees, or for their removal from office, in accordance with the rules or discipline governing the church or denomination to which such society or congregation may belong, not inconsistent with the Constitution of the United States and the laws in force in the District.”

That section five hundred and thirty-seven be, and is hereby, amended so as to read as follows:

SEC. 537. At the expiration of the term of service of any of the trustees, one or more successors may be elected or appointed, as provided in section five hundred and thirty-four, and a certificate of their appointment or election shall be made, verified, filed, and recorded as provided in section five hundred and thirty-five.”

That section five hundred and forty-one be, and is hereby, amended so as to read as follows:

“SEC. 541. The trustees shall have power, under the direction of the society or congregation or the authority by whom they were elected or appointed, to sell and execute deeds and conveyances of the property authorized to be held by the society or congregation; and such deeds or conveyances shall have the same effect as like deeds or conveyances made by natural persons; but no deed or conveyance shall be made so as to defeat or destroy the interest or effect of any grant, donation, or bequest, and all grants, donations and bequests shall be appropriated and used as directed by the person making the same.”

That section five hundred and forty-two be, and is hereby, amended so as to read as follows:

SEC. 542. The trustees shall have power, under the direction of the society or congregation or the authority by whom they were elected or appointed, to execute mortgages, or deeds of trust in the nature of mortgages, upon the estate and property which any society or congregation are authorized to hold or to lease the same for a term not exceeding ten years. And such mortgages, deeds, and conveyances shall have the same effect and be enforced by the same remedies and proceedings as like mortgages, deeds, leases, and conveyances made by natural persons.” [March 3, 1883.]

March 3, 1883.

22 Stat. L., 530.

Dist. of Col.; larceny from person in, made a felony.

R. S. of D. C., §§
1158-1161, 1173.

—attempt to commit from person, a misdemeanor.

CHAP. 125.—An act to punish larceny from the person in the District of Columbia.

Be it enacted, &c., That whoever, in the District of Columbia, commits larceny from the person of another shall be deemed guilty of a felony, and shall on conviction thereof, be punished by imprisonment not more than six years, or by a fine not exceeding one thousand dollars, or by both such fine and imprisonment.

SEC. 2. That whoever, in the District of Columbia, attempts to commit larceny from the person of another by any overt act, done with the intent to commit a larceny, shall be deemed guilty of a misdemeanor, and shall, on conviction thereof, be punished in the police court of the District of Columbia by imprisonment in the District jail not more than one year, or by fine not exceeding five hundred dollars, or by both such fine and imprisonment. [March 3, 1883.]

CHAP. 126.—An act to confer upon the senior associate justice of the supreme court of the District of Columbia, in the absence or inability of the chief justice of said court, the powers and duties now conferred upon said chief justice, relative to the extradition of fugitives from justice.

Be it enacted, &c., That the powers conferred upon and the duties prescribed for the chief justice of the supreme court of the District of Columbia, in relation to fugitives from justice, by section eight hundred and forty-three of an act entitled "An act to revise and consolidate the statutes of the United States, general and permanent in their nature, relative to the District of Columbia, in force on the first day of December, in the year of our Lord eighteen hundred and seventy-three," approved June twenty-second, eighteen hundred and seventy-four, shall, in case of his absence or disability, devolve upon and be discharged by the senior associate justice of said court who may be present in said District and able to act.

SEC. 2. That this act shall take effect from and after its passage [March 3, 1883.]

CHAP. 128.—An act making appropriations for the legislative, executive, and judicial expenses of the government for the fiscal year ending June thirtieth, eighteen hundred and eighty-four and for other purposes.

Be it enacted, &c., * * [Par. 1.] House of Representatives. * * For labor in folding books, speeches, and pamphlets, the following employees are hereby authorized to be appointed by the Doorkeeper, namely: One foreman, one thousand five hundred dollars; one messenger, one thousand two hundred dollars; one folder in the sealing room, one thousand two hundred dollars; one page, five hundred dollars; one laborer, four hundred dollars; ten folders, at nine hundred dollars each; five folders, at eight hundred and forty dollars each; and fifteen folders, at seven hundred and twenty dollars each; in all, twenty eight thousand eight hundred dollars.

[Par. 2.] That the Deputy First Comptroller in the Department of the Treasury shall be, and is authorized, in the name of the First Comptroller, to countersign all warrants, except accountable warrants, and to sign all other papers in like manner under the direction of the First Comptroller; and in case of the death, resignation, absence, or sickness of the Deputy First Comptroller, the Secretary of the Treasury may, by an appointment, under his hand and official seal, delegate to any officer in the office of the First Comptroller the authority to perform the duties of the Deputy First Comptroller until a successor is appointed or such absence or sickness shall cease. * *

[Par. 3.] It shall be the duty of the heads of the several executive departments to submit to Congress each year, in the annual estimates of appropriations, a statement of the number of buildings rented by their respective departments, the purposes for which rented, and the annual rental of each. * *

SEC. 2. * * And it shall be the duty of the respective departments to inclose to Senators, Representatives and Delegates in Congress, in all official communications requiring answers, or to be forwarded to others, penalty envelopes, addressed as far as practicable, for forwarding or answering such official correspondence.

SEC. 4. That hereafter it shall be the duty of the heads of the several Executive Departments, in the interest of the public service, to require of all clerks and other employees, of whatever grade or class, in their respective departments not less than seven hours of labor each day, except Sundays and days declared public holidays by law, or executive order:

Provided, That the heads of the departments may by special order, stating the reason, further extend or limit the hours of service of any clerk or employee in their departments respectively, but in case of an extension it shall be without additional compensation,

And all absence from the departments on the part of said clerks or other employees, in excess of such leave of absence as may be granted

March 3, 1883.

22 Stat. L., 530.

District of Columbia: powers of chief justice of supreme court of in extradition cases to devolve, in his absence, on senior associate.

R. S. of D. C., § 843.

March 3, 1883.

22 Stat. L., 531.

Folders, &c., House of Representatives.

R. S., § 53.

Deputy First Comptroller, or other designated person, when authorized to sign for Comptroller.

R. S., § 269, par. 3.

1875, March 3, ch. 130, § 2, ante, p. 75.

Rented buildings to be annually reported.

1882, Aug. 5, ch. 389, par. 6, ante, p. 373.

Penalty envelopes be sent members of Congress.

1877, March 3, ch. 103, §§ 5, 6, ante, pp. 135, 136.

Seven hours' labor required of clerks in departments.

R. S., § 162

—may be extended or limited, &c.

Absence in excess of 30 days

leave to be without pay. by the heads thereof, which shall not exceed thirty days in any one year, except in case of sickness, shall be without pay (1).

18 Opins., 352. 19 Opins., 420.
Repeal.

SEC. 5. That all acts or parts of acts inconsistent or in conflict with the provisions of this act are hereby repealed. [March 3, 1883.]

NOTE.—(1) The following other acts have been passed, giving leaves of absence to government employees:

1884, June 27, ch. 126, *post*, p. 446, 15 days to letter-carriers; 1886, June 30, ch. 572, *post*, p. 499, 15 days to employees of the Government Printing Office, extended to 30 days by 1888, Aug. 1, ch. 722, *post*, p. 600; 1887, March 3, ch. 392, par. 2, *post*, p. 567, 15 days to employees of the Bureau of Engraving and Printing; 1889, March 1, ch. 323, § 49, *post*, p. 667, Government or D. C. officers or employees who are members of the National Guard have leave of absence on parade or encampment days without loss of pay or time; 1890, Aug. 23, ch. 812, *post*, p. 789, 30 days to per diem employees of the customs service; 1890, Oct. 1, ch. 1260, *post*, p. 878, 15 days to clerks and employees in first and second class post-offices and the employees of the mail-bag repair shops.

March 3, 1883.

CHAP. 130.—An act prescribing regulations for the (1) Soldiers' Home located at Washington, in the District of Columbia, and for other purposes.

22 Stat. L., 564.

Soldiers' Home, commissioners to make annual reports.

R. S., §§ 4418-4424.

—and additional if demanded.

—report of, to be transmitted to Congress and published.

Inspector-General of Army to inspect, make report, &c.

R. S., § 4815.

Expenditures limited, &c.

Supplies, how purchased.

R. S., § 4817.

Inmates may allot portion of pension, &c.

—pensions of, to be paid to treasurer in trust, &c.

R. S., § 4820.

1882, Aug. 7, ch. 433, par. 10, *ante*, p. 381.

100 U. S., 508.

14 C. Cls., 162.

—may be paid pensioner, when.

—on death of pensioner.

Be it enacted, &c., That the board of commissioners of the Soldiers' Home make every year report in writing to the Secretary of War, giving a full statement of all receipts and disbursements of money, of the manner in which the funds are invested of any changes in the investments, and the reasons therefor, of all admissions and discharges, and generally of all facts that may be necessary to a full understanding of the condition and management of the Home.

The Secretary of War shall have power to call for and require any omitted facts which in his judgment should be stated to be added.

This annual report shall be, by the Secretary of War, together with the report of the inspecting officer hereinafter provided for, transmitted to Congress at the first session thereafter, and he shall also cause the same to be published in orders to the Army, a copy thereof to be deposited in each garrison and post library.

SEC. 2. That the Inspector General of the Army shall, in person, once in each year thoroughly inspect the Home, its records, accounts, management, discipline, and sanitary condition, and shall report thereon in writing, together with such suggestions as he desires to make.

SEC. 3. That no new buildings shall be erected or new grounds purchased, nor shall any expenditure of more than five thousand dollars be made, until the action of the board thereon shall be approved by the Secretary of War.

All supplies that can be purchased upon contract shall be so purchased, after due notice by advertisement, of the lowest responsible bidder. Such bidder shall give bond, with proper security, for the performance of his contract.

SEC. 4. That any inmate of the Home who is receiving a pension from the government, and who has a child, wife, or parent living, shall be entitled, by filing with the pension agent from whom he receives his money a written direction to that effect, to have his pension, or any part of it, paid to such child, wife, or parent.

The pensions of all who now are or shall hereafter become inmates of the Home, except such as shall be assigned as aforesaid, shall be paid to the treasurer of the Home. The money thus derived shall not become a part of the funds of the Home, but shall be held by the treasurer in trust for the pensioner to whom it would otherwise have been paid, and such part of it as shall not sooner have been paid to him shall be paid to him on his discharge from the institution.

The board of commissioners may from time to time pay over to any inmate such part of his pension-money as they think best for his interest and consistent with the discipline and good order of the Home, but such pensioner shall not be entitled to demand or have the same so long as he remains an inmate of the Home.

In case of the death of any pensioner, any pension money due him and remaining in the hands of the treasurer shall be paid to his

NOTE.—(1) The Soldiers' Home herein referred to is not the same as the National Home for Disabled Volunteer Soldiers referred to in note to 1875, March 8, ch. 129, par. 6, *ante*, p. 71.

No liquor licenses to be granted at any place within a mile of the Home, 1891, Jan. 16, ch. 74, *post*, p. 887, p. 900.

legal heirs, if demand is made within three years; otherwise the same shall escheat to the Home.

SEC. 5. That a suitable uniform shall be furnished to every inmate of the Home, without cost to him.

Uniform for inmates free of cost.

SEC. 6. That the board of commissioners are authorized to aid persons who are entitled to admission to the Home, by out-door relief, in such manner and to such an extent as they may deem proper; but such relief shall not exceed the average cost of maintaining an inmate of the Home.

Aid by out-door relief to persons entitled to admission.

SEC. 7. That the Governor and all other officers of the Home shall be selected by the President of the United States, and the Treasurer of the Home shall be required to give a bond in the penal sum of twenty thousand dollars for the faithful performance of his duty.

Officers to be selected by President. Bond of treasurer.

SEC. 8. That all funds of the Home not needed for current use, and which are not now invested in United States registered bonds, shall, as soon as received, or as soon as present investments can be converted into money without loss, be deposited in the Treasury of the United States to the credit of the Home, as a permanent fund, and shall draw interest at the rate of three per centum per annum, which shall be paid quarterly to the treasurer of the Home; and the proceeds of such registered bonds, as they are paid, shall be deposited in like manner.

R. S., § 4816. Funds to be deposited in U. S. treasury and interest paid thereon. 1891, January 16, ch. 74, post, p. 887.

No part of the principal sum so deposited shall be withdrawn for use except upon a resolution of the board of commissioners stating the necessity and approved by the Secretary of War.

Principal sum, when may be used.

SEC. 9. That no officers of the Home shall borrow any money on the credit of the Home for any purpose, nor shall any pledge of any of its property or securities for any purpose be valid.

Borrowing money on credit of Home prohibited.

SEC. 10. That the Board of Commissioners of the Soldiers' Home shall hereafter consist of the General in Chief commanding the Army the Surgeon General, the Commissary General, the Adjutant General, the Quartermaster General, the Judge Advocate General and the Governor of the Home, and the General in Chief shall be President of the Board, and any four of them shall constitute a quorum for the transaction of business.

Board of Commissioners, of whom to consist. R. S., § 4815.

SEC. 11. That all laws and parts of laws relating to the Soldiers' Home now in force and not inconsistent with this act are continued in force, and such as are inconsistent herewith are to that extent repealed.

Repeal.

SEC. 12. [*Makes temporary appropriation to adjust accounts.*] [March 3, 1883.]

March 3, 1883.

CHAP. 131.—An act to amend sections six and seven of the act providing for the publication of the Revised Statutes and the laws of the United States, approved June twentieth, eighteen hundred and seventy-six. (1)

22 Stat. L., 565.

Be it enacted, &c., That an act approved June twentieth, eighteen hundred and seventy-six, (1) be so amended as to increase the number of the pamphlet and bound copies of the laws of the United States to be supplied to the Treasury Department, as provided in sections six and seven, from two hundred copies to three hundred copies;

Laws of U. S.—increased number to Treasury Department.

And that the number of pamphlets and bound copies of the laws of the United States printed for distribution by the Secretary of State, as provided in section five of the said act, be increased from two thousand copies to two thousand one hundred copies. [March 3, 1883.]

1874, June 20, ch. 333, §§ 6, 7, ante, pp. 20, 21.—and State Department.

NOTE.—(1) The act evidently intended to be referred is that of 1874. There was no act of 1876 having such a title or object.

March 3, 1883.

22 Stat. L., 566.

Substitute for
R. S., § 4214.

Pleasure yachts
may be licensed to
sail without enter-
ing or clearing.
R. S., § 4133-4135.

— owners of, to
give bond.

— not to transport
merchandise or
passengers.
— name, &c.

— otherwise sub-
ject to laws.

Charges for li-
cense, &c.
1886, June 19, ch.
421, § 1, post, p. 492.
Repeal.

CHAP. 133.—An act to amend section four thousand two hundred and fourteen of the Revised Statutes, relating to yachts.

Be it enacted, &c., That section forty-two hundred and fourteen of the Revised Statutes of the United States be amended so as to read as follows:

SEC. 4214. The Secretary of the Treasury may cause yachts used and employed exclusively as pleasure vessels or designed as models of naval architecture, if built and owned in compliance with the provisions of sections forty-one hundred and thirty-three to forty-one hundred and thirty-five, to be licensed on terms which will authorize them to proceed from port to port of the United States, and by sea to foreign ports, without entering or clearing at the custom house, such license shall be in such form as the Secretary of the Treasury may prescribe.

The owner of any such vessel, before taking out such license, shall give a bond in such form and for such amount as the Secretary of the Treasury shall prescribe, conditioned that the vessel shall not engage in any trade, nor in any way violate the revenue laws of the United States; and shall comply with the laws in all other respects.

Such vessels, so enrolled and licensed, shall not be allowed to transport merchandise or carry passengers for pay.

Such vessels shall have their name and port placed on some conspicuous portion of their hulls.

Such vessel shall, in all respects, except as above, be subject to the laws of the United States, and shall be liable to seizure and forfeiture for any violation of the provisions of this title:

Provided, That all charges for license and inspection fees for any pleasure vessel or yacht shall not exceed five dollars, and for admeasurement shall not exceed ten cents per ton."

SEC. 2. That the said original section forty-two hundred and fourteen be, and the same is hereby, repealed.

SEC. 3. That this act shall take effect from and after its passage [March 3, 1883.]

March 3, 1883.

22 Stat. L., 567.

Officers of Army
and Navy, unless
retired, not to hold
civil offices in Ter-
ritories.

Substitute for
R. S., § 1860,
par. 4.

CHAP. 134.—An act to amend section eighteen hundred and sixty of the Revised Statutes so as not to exclude retired Army officers from holding civil office in the Territories

Be it enacted, &c., That the fourth clause of section eighteen hundred and sixty of the revised statutes of the United States be, and the same is hereby, amended so as to read as follows:

"Fourth. No person belonging to the Army or Navy shall be elected to or hold any civil office or appointment in any Territory, except officers of the Army on the retired list." [March 3, 1883.]

March 3, 1883.

22 Stat. L., 567.

Collector of cus-
toms of district of
Chicago to have
salary of \$7,000 a
year.

R. S., § 2675.

— to pay fees into
Treasury.

CHAP. 135.—An act to fix the salary of the Collector of Customs of the District of Chicago, Illinois

Be it enacted, &c., That from and after the thirtieth day of June, eighteen hundred and eighty-two, the salary of the Collector of Customs of the District of Chicago, Illinois, shall be seven thousand dollars per annum, and the same shall be in place of all salary, commissions, fees, and charges now allowed by law as compensation of that officer:

Provided, That all fees and emoluments now received by the said collector and applied to his compensation under the provisions of existing law shall from and after the thirtieth day of June eighteen hundred and eighty-two, be accounted for and paid into the Treasury of the United States. [March 3, 1883.]

CHAP. 137.—An act to levy an assessment of the real estate in the District of Columbia in the year eighteen hundred and eighty-three, and every third year thereafter, for purposes of taxation.

March 3, 1883.

22 Stat. L., 568.

Be it enacted, &c., That all real property, except as hereinafter provided, shall be assessed in the name of the owner, trustees, or guardian thereof.

Real property in District of Columbia, to be assessed in name of owner, &c.

All undivided real property of a deceased person may be assessed in the name of such deceased person until the same is divided according to law, or has otherwise passed into the possession of some other person.

1877, March 3, ch. 117, § 12; 1878, April 3, ch. 48, § 1, ante, pp. 146, 156.

And real property, the ownership of which is unknown, shall be assessed "owner unknown."

SEC. 2. That real property shall be assessed and valued in the year eighteen hundred and eighty-three, and every third year thereafter, as herein provided.

—every third year. R. S., of D. C., § § 138-141.

SEC. 3. That the Commissioners shall, on the second Monday of March, eighteen hundred and eighty-three, or as soon thereafter as practicable, and every third year thereafter, divide the District into not exceeding twelve subdistricts, and shall appoint one assessor to each subdistrict, who shall be a resident thereof.

Twelve subdistricts. 1878, June 11, ch. 180, § 4, ante, p. 176.

Each person so appointed shall, within ten days after receiving notice thereof, file with said Commissioners his bond, payable to the United States, with sufficient surety to the acceptance of said Commissioners, in the sum of two thousand dollars, conditioned that he will faithfully, diligently, and impartially perform all and singular the duties enjoined upon him by law. And he shall, moreover, take and subscribe an oath of office.

Assessors' bond and oath. 1889, March 1, ch. 328, § 3, post, p. 661. 1891, March 3, ch. 546, par. 2, post, p. 931.

If any such appointee shall fail to qualify as aforesaid within the time prescribed, or shall fail to enter upon the discharge of his duties within five days after such qualification, the appointment shall be void, and the Commissioners shall forthwith appoint another suitable person, who shall qualify as above provided.

—vacancies, how filled.

SEC. 4. That the Commissioners shall furnish each of said assessors a map and field-book of the respective subdistricts which he is appointed to assess and value, which shall contain an accurate list of each tract, together with a pertinent description of the real property situate therein, and, as far as may be known, the owner thereof, and also such blanks, forms, books, surveys, and plats as may be necessary for a systematic statement of the property to be assessed.

Maps, field-books, &c., to be furnished assessors.

Upon the completion of the assessment, each assessor shall deposit with the assessor of the district all maps, field-books, surveys, and plats, and all his notes and memoranda thereof.

—to be returned.

SEC. 5. That real estate in Washington or Georgetown, except such as is now or may hereafter be exempt by law from taxation, shall be assessed according to the number of the squares and lots thereof, or parts of lots, and upon the number of square or superficial feet in each square or lot, or parts of a lot, and in the county the agricultural lands shall be assessed by the acre, and suburban lots by the square foot, as in the city of Washington.

Assessments, how made. 1897, Jan. 26, ch. 41, post, p. 519.

SEC. 6. That each assessor shall, in all cases, from actual view, and from the best sources of information in his reach, determine, as nearly as practicable, the true value of each separate tract or lot of real property in his district in lawful money, and he shall separately estimate the value of all improvements on any tract or lot, and shall note the same in his field-book, which shall be carried out as part of the value of such tract or lot, and he shall also return the dimensions to each tract or lot.

Valuation.

SEC. 7. That each assessor shall, on or before the first Monday of June, eighteen hundred and eighty-three, and every third year thereafter, make out and deliver to the Commissioners, a return in tabular form, contained in a book to be furnished him by said Commis

Assessors' returns.

sioners, of the ownership, amount, description, and value of the real property subject to be listed for taxation in his district.

Exempt property.

R. S. of D. C., §§ 147, 148.

1877, March 3, ch. 117, § 8; 1879, June 21, ch. 33; 1881, March 3, ch.

He shall also enter in a separate list a pertinent description of all property exempt from taxation under the provisions of existing law, together with the ownership and use of the same, and shall estimate and return the true value thereof.

All real property, the ownership of which is not known, shall be returned, as to ownership, "unknown"

Neglect, &c., of assessor to perform duty.

—penalty.

Board of equalization, &c.

—oath.

Record of proceedings.

Valuation to be equalized.

Complaints to be heard.

Report to be made to Commissioners, &c.

Pay of assessors.

Valuation to be basis of taxation.

1878, June 11, ch. 180, § 3, ante, p. 176.

Annual valuation of property becoming taxable to be added to list.

New structures and improvements to be added.

SEC. 8. That every assessor who shall refuse or knowingly neglect to perform any duty enjoined on him by law, or who shall consent to, or connive at, any evasion of the provisions of this chapter, whereby any property required to be assessed shall be unlawfully exempt, or the valuation thereof entered at less than its true value, shall, on conviction thereof, be liable to a fine not exceeding two hundred dollars for each offense, which may be collected from his bond aforesaid.

SEC. 9. That the assessor of the District and the assessors herein provided for shall compose a board of equalization of the real property, and they shall convene at an office, to be provided by the Commissioners, on the first Monday of June, eighteen hundred and eighty-three, and every third year thereafter. They shall each take an oath fairly and impartially to equalize the value of the real property according to law. Any seven of them shall constitute a quorum and a clerk appointed by the Commissioners shall keep a full and accurate account of their proceedings and orders.

They shall immediately proceed to equalize the valuation made as aforesaid by the assessors, so that each lot and tract, and the improvements thereon, shall be entered upon the tax-list at their true value in money;

And for this purpose they shall hear such complaints as may be made in respect of said assessment, and in determining them they may raise the valuations of such tracts or lot as, in their opinion, may have been returned below their true value, and reduce the valuation of such as they may believe to have been returned above their true value to such sum as, in their opinion may be the true value thereof; but they shall not reduce the aggregate value of the real property below the aggregate value thereof as made and returned by said assessors.

All assessments and equalizations made pursuant to the provisions of this act shall be finally completed and be reported to the Commissioners of the District on or before the first Monday of August of each year in which an assessment is made.

SEC. 10. That each assessor shall be entitled to receive for each day necessarily employed in the performance of his duties the sum of five dollars, for a period not exceeding one hundred and fifty days.

SEC. 11. That the valuation of the real property made and equalized as aforesaid shall constitute the basis of taxation for the next succeeding period of three years, and until another valuation is made according to law.

SEC. 12. That annually, on or prior to July first, the assessor of the District shall take a list of all real property which shall have become subject to taxation, and is not on the tax-list, and affix a value thereon, according to the rules prescribed for assessing real estate;

And he shall make return of all new structures and additions to or improvements of old structures of over one hundred dollars in value, the value of which shall not have been included in the valuation of the land on which such structures have been erected, specifying the tract or lot of land on which each of such structures has been erected, and the value which has been added to any such lot or tract

by reason of such structure, and the assessor shall add such valuation to the assessment made on such tract or lot;

And in the case of the destruction of any structure from any cause, of over one hundred dollars in value, the value of which has been included in any former valuation of the tract or lot on which it is situate, the assessor shall determine and make return how much less valuable such lot or tract is by reason of such destruction, and the assessor shall deduct the same from the valuation of such tract or lot as it stands upon the list:

Structures destroyed to be deducted.

Provided, That the assessor of the District of Columbia shall hear such complaints as may be made in respect of said assessments and determine the same between the first and third Monday of July of the same year, subject to the approval of the Commissioners of the District

Complaints.

SEC. 13. That if the assessor of the District shall learn that any property liable to taxation has been omitted from the assessment for any previous year or years, or has been so assessed that the assessment was void, it shall be his duty at once to assess such property for each and every year after the passage of this act for which it has escaped assessment and taxation, and report the same to the collector of taxes, who shall at once proceed to collect the taxes so in arrears as other taxes are collected:

Property omitted from lists, or on which assessment is void; how assessed.

Provided, That no property which has escaped taxation shall be liable to assessment and taxation under this section for a period of more than three years prior to such assessment.

—not more than 3 years back.

SEC. 14. That the assessor of the District, in the discharge of any of the duties devolved upon him or the board of equalization, by any provisions of this act, may administer all necessary oaths or affirmations.

Assessor may administer oaths, &c.

He shall have power to summon the attendance of any person before said board, or himself, to be examined under oath touching such matters and things as they or he may deem advisable in the discharge of their said duties; and any member of the Metropolitan Police force or constable of the District may serve subpoenas in this behalf.

—may summon witnesses.

Such fees shall be allowed witnesses so examined, to be paid out of the contingent fund of the Commissioners, as are allowed in civil actions before justices of the peace.

Fees.

Any person who shall knowingly make false oath or affirmation shall be guilty of perjury, and, upon conviction thereof, be punished according to laws in force for the punishment of perjury.

False oath.
R. S. of D. C., § 1156.

SEC. 15. That this act shall be in force from and after its passage; and all laws and parts of laws inconsistent herewith are hereby repealed,

Repeal.

As also all laws allowing any deduction of taxes assessed against any person because of payment thereof within a period of thirty days after receiving notice that the collector of taxes is ready to receive the taxes assessed. [March 3, 1883.]

No deduction for advance payments.

1878, June 11, ch. 180, § 3, ante, p. 176, and 20 Stat. L., 105.

March 3, 1883.

22 Stat. L., 582.

CHAP. 140.—An act to create three additional land districts in the Territory of Dakota.

Be it enacted, &c., That all that part of the Territory of Dakota bounded as follows, to wit, commencing at the most easterly point where the Missouri River crosses the second standard parallel; thence up and along said river to the most westerly point where said river crosses said parallel; thence west on said parallel to the south fork of the Cheyenne River; thence southwest along said south fork of said Cheyenne River to the twenty sixth degree of longitude west from Washington; thence south to the south boundary of the Territory of Dakota; thence east along said south boundary of said Territory to the Missouri River; thence northwesterly along said river to

Pierre Land district in S. Dakota.
R. S., § 2256.

1874, April 24, ch. 127, ante, p. 9.
1890, Jan. 21, ch. 8, ante, p. 275.
1890, Sept. 26, ch. 946, post, p. 807.

the place of beginning, be, and the same is hereby, constituted at new land district, and the office shall be located at such place in said district as shall be designated by the President of the United States. (1)

Chamberlin District in S. Dakota.

SEC. 2. That all that part of the Territory of Dakota bounded as follows, to wit, commencing at the most westerly point where the Missouri River intersects the second standard parallel; thence northerly along said river to the fifth standard parallel; thence west to the twenty-sixth degree of longitude west from Washington; thence south to the north fork of the Cheyenne River; thence east and south along said river to its mouth; thence up and along the south fork of the Cheyenne River to a point where the second standard parallel produced would intersect said river; thence east to the, Missouri River, at the place of beginning, be, and the same is hereby, constituted a new land district, and the office shall be located at such place in said district as shall be designated by the President of the United States. (1)

Devil's Lake District in N. Dakota.

SEC. 3. That all that part of the Territory of Dakota bounded as follows, to wit, commencing at a point on the twelfth standard parallel between ranges sixty three and sixty four; thence north to the north boundary of the Territory of Dakota; thence west along said boundary to the eleventh guide meridian; thence south along said meridian to the twelfth standard parallel; thence east to the place of beginning, be, and the same is hereby, constituted a new land district, and the office in said district shall be located at such place as shall be designated by the President of the United States. (1)

Registers and receivers to be appointed.

R. S., § 2234.

SEC. 4. That the President, by and with the advice and consent of the Senate, is hereby authorized to appoint a register and a receiver for each of said land districts, who shall discharge like and similar duties and receive the amount of compensation allowed by law to other officers discharging like duties in the land offices of said Territory:

—not to be appointed nor land offices opened until cession of land.

1889, March 2, ch. 405, § 28; ch. 412, § 3; 25 Stat. L., 899, 1002; 1890, Feb. 10, Proc. No. 9, 26 Stat. L., 1554.

Provided That such officers shall not be appointed nor land offices opened in the districts created by the first and second sections of this act until a cession shall have been made by treaty duly ratified by Congress of a portion of the Great Sioux Indian Reservation within the limits of the said districts. [March 3, 1883.]

NOTE.—(1) The offices have been located respectively by the President at Pierre and Chamberlin, South Dakota, and Devil's Lake, North Dakota.

March 3, 1883.

22 Stat. L., 582.

CHAP. 141.—An act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June thirtieth, eighteen hundred and eighty-three, and for prior years, and for those certified as due by the accounting officers of the Treasury in accordance with section four of the act of June fourteenth, eighteen hundred and seventy-eight (1), heretofore paid from permanent appropriations, and for other purposes.

Proceeds of timber, &c., from Indian reservations to be covered in, &c.

R. S., § 2093.
1887, March 2, ch. 320, par. 1, *post*, p. 554.

Committee on Library during recess.

R. S., §§ 82, 85—87, 89, 94.

1875, March 3, ch. 130, par. 7,

Vessels stricken from Navy Register as unfit for use to be appraised.

Be it enacted, &c., * * SEC. 2. * * [Par. 1.] The proceeds of all pasturage and sales of timber, coal, or other product of any Indian reservation, except those of the five civilized tribes, and not the result of the labor of any member of such tribe, shall be covered into the Treasury for the benefit of such tribe under such regulations as the Secretary of the Interior shall prescribe; and the Secretary shall report his action in detail to Congress at its next session. * *

[Par. 2.] That the portion of the Joint Committee of Congress upon the Library on the part of the Senate remaining in office as Senators shall during the recess of Congress exercise the powers and discharge the duties conferred by law upon the Joint Committee of Congress upon the Library. * *

SEC. 5. It shall be the duty of the Secretary of the Navy to cause to be appraised, in such manner as may seem best, all vessels of the Navy which have been stricken from the Navy Register under the

NOTE.—(1) Chap. 191, *ante*, p. 180.

provisions of the act making appropriations for the naval service for the fiscal year ending June thirtieth, eighteen hundred and eighty-three, and for other purposes, approved August fifth, eighteen hundred and eighty-two.

1882, Aug. 5, ch. 391, § 2, *ante*, pp. 377, 378.

And if the said Secretary shall deem it for the best interest of the United States to sell any such vessel or vessels, he shall, after such appraisal, advertise for sealed proposals for the purchase of the same, for a period not less than three months, in such newspapers as other naval advertisements are published, setting forth the name and location and the appraised value of such vessel, and that the same will be sold, for cash, to the person or persons or corporation or corporations offering the highest price therefor above the appraised value thereof; and such proposals shall be opened on a day and hour and at a place named in said advertisement, and record thereof shall be made.

— when and how may be sold.

R. S., §§ 1540, 1541.

The Secretary of the Navy shall require to accompany each bid or proposal a deposit in cash of not less than ten per centum of the amount of the offer or proposal, and also a bond, with two or more sureties to be approved by him, conditioned for the payment of the remaining ninety per centum of the amount of such offer or proposal within the time fixed in the advertisement.

— deposit and bond.

And in case default is made in the payment of the remaining ninety per centum, or any part thereof, the Secretary, within the prescribed time thereof, shall advertise and resell said vessel under the provisions of this act.

— to be resold in default, &c.

And in that event said cash deposit of ten per centum shall be considered as forfeited to the government, and shall be applied, first, to the payment of all costs and expenditures attending the advertisement and resale of said vessel; second, to the payment of the difference, if any, between the first and last sale of said vessel; and the balance, if any, shall be covered into the Treasury:

— deposit to be forfeited, &c.

Provided, however, That nothing herein contained shall be construed to prevent a suit upon said bond for breach of any of its conditions.

— without prejudice to suit.

Any vessel sold under the foregoing provisions shall be delivered to the purchaser upon the full payment to the Secretary of the Navy of the amount of such proposal or offer; and the net proceeds of such sale shall be covered into the Treasury.

— to be delivered to purchaser, when.

But no vessel of the Navy shall hereafter be sold in any other manner than herein provided, or for less than such appraised value, unless the President of the United States shall otherwise direct in writing.

— not to be sold otherwise, unless President directs.

* * [March 3, 1883.]

CHAP. 142.—An act to adjust the salaries of postmasters.

March 3, 1883.

Be it enacted, &c., That the respective compensation of postmasters of the first, second, and third classes shall be annual salaries, assigned in even hundreds of dollars, and payable in quarterly payments, to be ascertained and fixed by the Postmaster General from their respective quarterly returns to the Auditor of the Treasury for the Post Office Department, or copies or duplicates thereof, to be forwarded to the First Assistant Postmaster-General, for four quarters immediately preceding the adjustment, at the following rates, namely:

22 Stat. L., 600.
Salaries of postmasters.
R. S., §§ 3852–3860.
1876, July 12, ch. 179, § 5, *ante*, p. 110.

FIRST CLASS.

— First class.

Gross receipts, forty thousand dollars, and not exceeding forty-five thousand dollars, salary, three thousand dollars

1883, March 3, ch. 123, § 4, *ante*, p. 406.

Gross receipts, forty-five thousand dollars, and not exceeding sixty thousand dollars, salary, three thousand one hundred dollars.

1889, March 2, ch. 374, par. 1, *post*, p. 679.

Gross receipts, sixty thousand dollars, and not exceeding eighty thousand dollars, salary, three thousand two hundred dollars.

Gross receipts, eighty thousand dollars, and not exceeding one hundred and ten thousand dollars, salary, three thousand three hundred dollars.

Gross receipts, one hundred and ten thousand dollars, and not exceeding one hundred and fifty thousand dollars, salary, three thousand four hundred dollars.

Gross receipts, one hundred and fifty thousand dollars, and not exceeding two hundred thousand dollars, salary, three thousand five hundred dollars.

Gross receipts, two hundred thousand dollars, and not exceeding two hundred and sixty thousand dollars, salary, three thousand six hundred dollars.

Gross receipts two hundred and sixty thousand dollars, and not exceeding three hundred and thirty thousand dollars, salary, three thousand seven hundred dollars.

Gross receipts, three hundred and thirty thousand dollars, and not exceeding four hundred thousand dollars, salary, three thousand eight hundred dollars.

Gross receipts four hundred thousand dollars, and not exceeding four hundred and fifty thousand dollars, salary, three thousand nine hundred dollars.

Gross receipts, four hundred and fifty thousand dollars, and not exceeding five hundred thousand dollars, salary, four thousand dollars.

Gross receipts five hundred thousand dollars, and not exceeding six hundred thousand dollars, salary, five thousand dollars

Gross receipts, six hundred thousand dollars and upwards, salary, six thousand dollars.

—Second class.

SECOND CLASS.

1883, March 3,
ch. 123, § 4, *ante*,
p. 406.

Gross receipts, eight thousand dollars, and not exceeding nine thousand dollars, salary, two thousand dollars.

Gross receipts, nine thousand dollars, and not exceeding ten thousand dollars, salary, two thousand one hundred dollars

Gross receipts, ten thousand dollars, and not exceeding eleven thousand dollars, salary, two thousand two hundred dollars.

Gross receipts, eleven thousand dollars, and not exceeding thirteen thousand dollars, salary, two thousand three hundred dollars.

Gross receipts, thirteen thousand dollars and not exceeding sixteen thousand dollars, salary, two thousand four hundred dollars.

Gross receipts, sixteen thousand dollars, and not exceeding twenty thousand dollars, salary, two thousand five hundred dollars.

Gross receipts, twenty thousand dollars, and not exceeding twenty four thousand dollars, salary, two thousand six hundred dollars.

Gross receipts, twenty four thousand dollars, and not exceeding thirty thousand dollars, salary, two thousand seven hundred dollars.

Gross receipts, thirty thousand dollars, and not exceeding thirty-five thousand dollars, salary, two thousand eight hundred dollars.

Gross receipts, thirty-five thousand dollars, and not exceeding forty thousand dollars, salary, two thousand nine hundred dollars.

—Third class.

THIRD CLASS.

Gross receipts, one thousand nine hundred dollars, and not exceeding two thousand one hundred dollars, salary, one thousand dollars.

Gross receipts, two thousand one hundred dollars, and not exceeding two thousand four hundred dollars, salary, one thousand one hundred dollars.

Gross receipts, two thousand four hundred dollars, and not ex

ceeding two thousand seven hundred dollars, salary, one thousand two hundred dollars.

Gross receipts two thousand seven hundred dollars, and not exceeding three thousand dollars, salary, one thousand three hundred dollars

Gross receipts, three thousand dollars, and not exceeding three thousand five hundred dollars, salary, one thousand four hundred dollars

Gross receipts, three thousand five hundred dollars, and not exceeding four thousand two hundred dollars, salary, one thousand five hundred dollars.

Gross receipts, four thousand two hundred dollars, and not exceeding five thousand dollars, salary, one thousand six hundred dollars.

Gross receipts, five thousand dollars, and not exceeding six thousand dollars, salary, one thousand seven hundred dollars.

Gross receipts, six thousand dollars, and not exceeding seven thousand dollars, salary, one thousand eight hundred dollars

Gross receipts, seven thousand dollars, and not exceeding eight thousand dollars, salary, one thousand nine hundred dollars.

And in order to ascertain the amount of the postal receipts of each office, the Postmaster-General may require postmasters to furnish the department with certified copies of their quarterly returns to the auditor at such times and for such periods as he may deem necessary in each case

Postmaster to furnish copies of quarterly returns. R. S., §§ 294, 3843, 1878, ch. 259, par. 2, ante, p. 186.

FOURTH CLASS.

SEC. 2. That the compensation of postmasters of the fourth class shall be fixed upon the basis of the whole of the box-rents collected at their offices and commissions upon the amount of canceled postage-due stamps (provided for in section two hundred and seventy of the Revised Laws and regulations, edition of eighteen hundred and seventy-nine), and on postage stamps, official stamps, stamped envelopes, postal cards, and newspaper and periodical stamps canceled, on matter actually mailed at their offices, and on amounts received from waste paper, dead newspapers, printed matter, and twine sold, at the following rates, namely:

Compensation of postmasters of fourth class. R. S., §§ 3352-3360.

On the first fifty dollars or less per quarter, one hundred per centum; on the next one hundred dollars or less per quarter, sixty per centum; on the next two hundred dollars or less per quarter, fifty per centum; and on all the balance, forty per centum, the same to be ascertained and allowed by the Auditor of the Treasury for the Post-Office Department in the settlement of the accounts of such postmasters upon their sworn quarterly returns:

Provided, That when the compensation of any postmaster of this class shall reach two hundred and fifty dollars for four consecutive quarters each, exclusive of commissions on money-order business, and when the returns to the auditor for four consecutive quarters shall show him to be entitled to a compensation in excess of two hundred and fifty dollars per quarter, the auditor shall report such fact to the Postmaster-General, who shall assign the office to its proper class, and fix the salary of the postmaster as provided by section one of this act:

1883, March 3, ch. 123, § 4, ante, p. 406.

Provided further, That in no case shall there be allowed to any postmaster of this class a compensation greater than two hundred and fifty dollars in any one of the first, three quarters of any fiscal year, exclusive of money-order commissions, and in the last quarter of each fiscal year there shall be allowed such further sum as he may be entitled to under the provisions of this act, not exceeding for the whole fiscal year the sum of one thousand dollars exclusive of money-order commissions.

— limit of pay.

SEC. 3. That the Postmaster-General shall make all orders relative to the salaries of postmasters; and any change made in such salaries

Orders relative to salaries to be

made by Postmaster-General.

R. S., § 3856.

Salaries of first three classes to be readjusted annually.

R. S., § 3854.

—of postmaster at Washington, D. C., and New York City.

R. S., § 3852.

1875, March 3, ch. 123, par. 1, *ante*, p. 70.

shall not take effect until the first day of the quarter next following the order; and the auditor shall be notified of any and all changes of salaries.

SEC. 4. That the salaries of postmasters of the first, second and third classes shall be readjusted by the Postmaster General, the first adjustment (under this act) to take effect simultaneously with the (1) reduction of the rates of postage, and thereafter at the beginning of each fiscal year;

And the salary of the postmaster at Washington City, District of Columbia, shall be five thousand dollars;

And in no case shall the salary of any postmaster exceed the sum of six thousand dollars, except in the city of New York, where the salary of the postmaster shall remain as now fixed by law, at eight thousand dollars per annum. [March 3, 1883.]

NOTE.—(1) Rate of postage on first-class matter reduced, to take effect October 1, 1883, by 1883, March 3, ch. 92 (22 Stat. L., 455), omitted from this volume because superseded by the further reduction of 1885, March 3, ch. 342, par. 4, *post*, p. 483.

March 3, 1883.

22 Stat. L., 603.

CHAP. 143.—An act making appropriations for sundry civil expenses of the government for the fiscal year ending June thirtieth, eighteen hundred and eighty-four, and for other purposes.

Public building sites to be acquired by purchase or condemnation.

1883, Aug. 1, ch. 728, *post*, p. 601.

1889, Mar. 2, ch. 411, *post*, p. 697.

Expenses of acquiring, how paid.

1882, Aug. 7, ch. 433, par. 1, *ante*, p. 380.

Flow of water in public buildings, D. C., when to be shut off.

R. S., §§ 1800–1812. R. S. of D. C., § 214.

Receipts from private dispatches over Government telegraph lines to be paid into Treasury.

R. S., §§ 223, 3617. 1874, June 23, ch. 461, *ante*, p. 46.

Changes in Capitol grounds to be estimated for.

R. S., § 1816.

Patents may be granted to, without fee to, U. S. officers for inventions to be used in public service, &c.

R. S., § 4886.

1875, March 3, ch. 133, par. 3, *ante*, p. 82.

Be it enacted, &c., * * [Par. 1.] And the Secretary of the Treasury is authorized to acquire, by private purchase or by condemnation, the necessary lands for (1) public buildings and light-houses to be constructed, and for which money is appropriated, including all public building sites authorized to be acquired under any of the acts of the first session of the Forty-seventh Congress;

And there may be expended by the Secretary of the Treasury, from the several amounts appropriated for the construction of public buildings, the expenses incident to the procuring of sites for said buildings, respectively. * *

[Par. 2.] And all officers in charge of public buildings in the District of Columbia shall cause the flow of water in the buildings under their charge to be shut off from five o'clock post meridian to eight o'clock ante meridian: *Provided*, That the water in said public buildings is not necessarily in use for public business. * *

[Par. 3.] That on and after the first day of July, eighteen hundred and eighty-three, all moneys received for the transmission of private dispatches over any and all telegraph lines owned or operated by the United States, shall be paid into the Treasury of the United States, as required by section thirty-six hundred and seventeen of the Revised Statutes; and all acts or parts of acts inconsistent herewith are hereby repealed. * *

[Par. 4.] For improving the Capitol grounds: * * and hereafter all changes and improvements in the grounds, including approaches to the Capitol, shall be estimated for in detail, showing what modifications are proposed and the estimate cost of the same. * *

[Par. 5.] The Secretary of the Interior and the Commissioner of Patents are authorized to grant any officer of the government, except officers and employees of the Patent Office, a patent for any invention of the classes mentioned in section forty eight hundred and eighty six of the Revised Statutes, when such invention is used or to be used in the public service, without the payment of any fee:

Provided, That the applicant in his application shall state that the invention described therein, if patented, may be used by the government or any of its officers or employees in the prosecution of work

NOTE.—(1) See note (7) on public buildings to 1875, March 3, ch. 130, par. 14, *ante*, p. 74, and on condemnation proceedings to 1888, Aug. 1, ch. 728, *post*, p. 601.

for the government, or by any other person in the United States, without the payment to him of any royalty thereon, which stipulation shall be included in the patent. * *

[Par. 6.] Columbia Institution for the Deaf and Dumb: * * Hereafter the report of said institution shall contain an itemized statement of all employees, the salaries or wages respectively, each of them, and also of all other expenses of said institution. * *

[Par. 7.] And the Commissioner of Fish and Fisheries is hereby authorized to designate, from the employees of the Commission, an assistant, to discharge his duties in case of his absence or disability:

Provided, That no increase of pay shall be granted in consequence of such selection. * *

[Par. 8.] That there may be bound for each Senator, Representative, or Delegate in Congress, one copy of each book or document issued or ordered by authority of Congress during the term of service of such Senator, Representative, or Delegate; but this provision shall not be construed as allowing any binding as aforesaid to be done of any books or documents issued during any former Congress of which said Senator, Representative, or Delegate was not a member. * *

[Par. 9.] That the clerk of the supreme court of the District of Columbia shall make to the Attorney-General his semi-annual report of fees and emoluments in the same manner and under the same regulations as clerks of the other courts of the United States, under and in accordance with section eight hundred and thirty-three of the Revised Statutes, the maximum of whose compensation, after the payment of office expenses, and other allowances granted by the Attorney-General, shall not exceed the maximum of three thousand five hundred dollars, and the balance of said fees and emoluments of his office shall be paid into the Treasury according to the provisions of section eight hundred and forty-four of the Revised Statutes.

Provided, That the Clerk of the Supreme Court of the United States shall not hereafter retain of the fees and emoluments of his office for his personal compensation over and above his necessary clerk-hire and the incidental expenses of his office, certified to by the court, or by one of its justices appointed by it for that purpose, and to be audited and allowed by the proper accounting officers of the Treasury, a sum exceeding six thousand dollars a year, or exceeding that rate for any time less than a year; and the surplus of such fees and emoluments shall be paid into the Treasury as provided by law in cases of clerks of the circuit and district courts of the United States:

And provided further, That so much of (2) section three of the act of February twenty-eight, seventeen hundred and ninety-nine, as relates to the compensation of said clerk for his attendance in court is hereby repealed:

And provided further, That the Supreme Court is hereby authorized and empowered to prepare the tables of fees to be charged by the clerk thereof, and until the same is thus prepared the fees therein charged for recording or copying any paper or record shall not exceed fourteen cents per folio. * *

[Par. 10.] That Senators elected, whose term of office begins on the fourth day of March, and whose credentials in due form of law shall have been presented in the Senate, but who have had no opportunity to be qualified, may receive their compensation monthly, from the beginning of their term, until there shall be a session of the Senate. * *

[March 3, 1883.]

21 C. Cls., 479.
22 C. Cls., 335.
137 U. S., 342.

Itemized report of expenses of Columbia Institution for Deaf and Dumb.

R. S., §§ 4867, 4868.
Assistant Fish Commissioner.
R. S., § 4395.
1888, Jan. 20, ch. 1, *post*, p. 577.

Binding for Members of Congress.

R. S., § 3785.
1877, Dec. 10, ch. 6, *ante*, p. 149.
1882, Aug. 7, ch. 433, par. 16, *ante*, p. 382.

Clerk of supreme court of D. C. to make report of fees and to pay into Treasury all above maximum of \$3,500.

R. S., §§ 833, 844.
R. S. of D. C., §§ 915-928.

Clerk of Supreme Court of U. S. to pay into Treasury fees above \$6,000 a year.

R. S., §§ 677, 844.
1875, Feb. 23, ch. 95, § 3, *ante*, p. 65.
1884, July 7, ch. 332, par. 7, *post*, p. 469.

109 U. S., 74.
110 U. S., 401.

Repeal in part of 1790, Feb. 28, § 3 (1 Stat. L., 625).

Table of fees for clerk of Supreme Court, U. S.

Senators-elect who have not qualified, pay of.
R. S., §§ 18, 19, 28.

RESOLUTIONS.

March 3, 1883.

22 Stat. L., 641.

Termination of articles 18 to 25 and 30, relating to fisheries and to importation of imported goods through this country; in treaty with Great Britain.

Treaty, 17 Stat. L., 969.

— notice to be given.

1885, July 31, Proc. No. 8 (23 Stat. L., 837).

Articles deemed expired.

1873, July 1, Proc. No. 2 (18 Stat. L., 42).

Repeal of R. S., §§ 2506, 2866, 4347.

1887, Mar. 3, ch. — and acts to enforce same repealed.

NUMBER 22.—Joint resolution providing for the termination of articles numbered eighteen to twenty-five, inclusive, and article numbered thirty of the treaty between the United States of America and Her Britannic Majesty, concluded at Washington, May eighth, eighteen hundred and seventy-one.

Resolved, &c., That in the judgment of Congress the provisions of articles numbered eighteen to twenty-five, inclusive, and of article thirty of the treaty between the United States and Her Britannic Majesty, for an amicable settlement of all causes of difference between the two countries, concluded at Washington on the eighth day of May, anno Domini eighteen hundred and seventy-one, ought to be terminated at the earliest possible time, and be no longer in force; and to this end the President be, and he hereby is, directed to give notice to the Government of Her Britannic Majesty that the provisions of each and every of the articles aforesaid will terminate and be of no force on the expiration of the two years next after the time of giving such notice.

SEC. 2. That the President be, and he hereby is, directed to give and communicate to the Government of Her Britannic Majesty such notice of such termination on the first day of July, anno Domini eighteen hundred and eighty-three, or as soon thereafter as may be.

SEC. 3. That on and after the expiration of two years' time required by said treaty, each and every of said articles shall be deemed and held to have expired and be of no force and effect, and that every department of the Government of the United States shall execute the laws of the United States (in the premises,) in the same manner and to the same effect as if said articles had never been in force;

339, *post*, p. 555.

And the act of Congress approved March first, anno Domini eighteen hundred and seventy-three, entitled (1) "An act to carry into effect the provisions of the treaty between the United States and Great Britain, signed in the city of Washington the eighth day of May, eighteen hundred and seventy-one, relating to the fisheries," so far as it relates to the articles of said treaty so to be terminated shall be and stand repealed and be of no force on and after the time of the expiration of said two years. [March 3, 1883.]

NOTE.—(1) The act of 1873, ch. 213 (17 Stat. L., 483), here referred to and repealed, is incorporated into Revised Statutes, §§ 2506, 2866, 4347.

March 3, 1883.

22 Stat. L., 642.

Congressional Directory and Record may be sold.

R. S., §§ 77, 78, 3809.

1874, Jan. 22, ch. 14; June 20, Res. No. 12; *ante*, pp. 2, 56.

1884, Mar. 31, ch. 18, and note, *post*, pp. 423, 424.

NUMBER 24.—Joint resolution authorizing the sale of the Congressional Directory and the current numbers of the Congressional Record.

Resolved, &c., That it shall be lawful for the Public Printer, under the direction of the Joint Committee of the Senate and House of Representatives on Printing, to print for sale, at a price sufficient to reimburse the expenses of such printing, the current Congressional Directory and the current numbers of the Congressional Record.

The money derived from such sales shall be paid into the Treasury monthly to the credit of the appropriation for public printing, and no sale shall be made on credit. [March 3, 1883.]

FORTY-EIGHTH CONGRESS—FIRST SESSION

IN

THE YEAR 1884.

- CHAP. 1.**—An act to fix the time for holding the District Court in the District of Maine at Bangor. Jan. 18, 1884.
- 23 Stat. L., 1.
- Be it enacted, &c.,* That the regular term of the District Court of the District of Maine now held at Bangor on the Fourth Tuesday shall hereafter be held on the First Tuesday of June. [*January 18, 1884.*] District court of Maine to be held at Bangor first Tuesday of June. R. S., § 572.
-
- CHAP. 6.**—An act making appropriations to supply deficiencies on account of the appropriations for the fiscal year ending June thirtieth, eighteen hundred and eighty-four, in regard to rebate of tax on tobacco, and to provide for the expenses of the meeting of the Legislature of the Territory of New Mexico, and for other purposes. Feb. 14, 1884.
- 23 Stat. L., 2
- Be it enacted, &c.* * * For the legislative expenses of the Territory of New Mexico, namely: * * New Mexico, laws, &c., to be in English.
- Provided,* That the legislative proceedings, records, and laws of said Territory shall be printed in the English language. * * [*February 14, 1884.*]
-
- CHAP. 9.**—An act making all public roads and highways post routes. March 1, 1884.
- 23 Stat. L., 3.
- Be it enacted, &c.,* That all public roads and highways while kept up and maintained as such are hereby declared to be post routes. [*March 1, 1884.*] All public roads and highways declared post routes. R. S., § 3964.
-
- CHAP. 12.**—An act to establish a standard of time in the District of Columbia. March 13, 1884.
- 23 Stat. L., 4.
- Be it enacted, &c.,* That the legal standard of time in the District of Columbia shall hereafter be the mean time of the seventy-fifth meridian of longitude west from Greenwich. Standard of time in District of Columbia adopted.
- SEC. 2. That this act shall not be so construed as to affect existing contracts. [*March 13, 1884.*]
-
- CHAP. 18.**—An act to limit the cost of indexing the Congressional Record. March 31, 1884.
- 23 Stat. L., 6.
- Be it enacted, &c.,* That the Joint Committee on Printing be, and they are hereby, authorized and directed to make the necessary provisions and arrangements for issuing the index of the Congressional Record semi-monthly during the sessions of Congress; Index to Congressional Record to be printed semi-monthly. R. S., § 78.
- That the Public Printer be, and he is hereby, directed to print and distribute the same number of copies of said semi-monthly index —how distributed.

as he prints and distributes of the daily issue of the Record, and to the same persons and in the same manner (1);

—by whom prepared.

That the Public Printer shall employ such person to prepare said index as shall be designated by the Joint Committee on Printing who shall also fix and regulate the compensation to be paid by the Public Printer for the said work, and direct the form and manner of its publication:

—compensation for preparing.

Provided, however, That the rate of compensation allowed for preparing the said semi-monthly indexes, including also their compilation into a complete session index, shall not exceed, for each page of the printed Congressional Record, the average that it cost per page of the Congressional Record for compiling the session index of the Forty-sixth Congress:

—employees on; may be employees on other work.

And provided further, That there may be employed and paid on said work, at times not interfering with their ordinary employment, persons who are also employed and paid in any other office or employment under the Government.

SEC. 2. [Repeals 1881, Feb. 8, Res. No. 9 (21 Stat. L., 516)]. [March 31, 1884.]

NOTE.—(1) The Congressional Record is required to be distributed as follows:

To use of Senate 8425 for the Senate, 7250 for the use of the House. (Sen. Journal, 1st Sess., 43d Cong., pp. 197, 659; House Journal, 1st Sess., 47th Cong., p. 1532.)

To Clerk, Sergeant-at-Arms, Doorkeeper, Postmaster, and Official Reporters of Debates of the House, one copy each. (Cong. Rec., vol. 3, part 2, p. 1112.)

To the Chief Justice and each associate justice, the clerk and marshal of the Supreme Court, each one current and one bound copy, and the official Reporter of the Senate five bound copies, of the Record, by 1881, Jan. 27, Res. No. 3, ante, p. 323.

To National Homes for Disabled Volunteer Soldiers at Dayton, Ohio, Augusta, Me., Milwaukee, Wis., Hampton, Va., and Soldiers' Home, Knightstown, Ind., one copy each, by R. S., § 4837, as amended by 1881, Feb. 8, ch. 35, ante, p. 315.

To State and Territorial libraries of each State and Territory, one bound copy of Record, by 1882, Aug. 2, Res. No. 61, ante, p. 387.

To each legation abroad, one copy of daily Record, by 1886, July 23, Res. No. 26, post, p. 516.

March 31, 1884.

23 Stat. L., 6.

Hazing.

R. S., §§ 1325, 1326.

CHAP. 19.—An act making appropriations for the support of the Military Academy for the fiscal year ending June thirtieth, eighteen hundred and eighty-five, and for other purposes.

Be it enacted, &c., * * That hereafter any cadet dismissed for hazing shall not be eligible to reappointment. * * [March 31, 1884.]

April 2, 1884.

23 Stat. L. 10.

CHAP. 20.—An act to enable the State of Colorado to take lands in lieu of the sixteenth and thirty-sixth sections found to be mineral lands, and to secure to the State of Colorado the benefit of the act of July second, eighteen hundred and sixty-two, entitled "An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts."

Be it enacted &c., That an act entitled "An act to enable the people of Colorado to form a constitution and State government, and for the admission of the said State into the Union on an equal footing with the original States", approved March third eighteen hundred and seventy-five, shall be construed as giving to the State of Colorado the right to select for school purposes other lands in lieu of such sixteenth and thirty-sixth section as may have been or shall be found to be mineral lands:

Provided, That such selections shall be made from lands returned as agricultural, and upon which at the date of selection no valuable mineral discoveries have been made; and all such selections shall be reported to the Secretary of the Interior, who shall, if he is satisfied such lands so selected are not mineral, so certify, and thereupon the right of said State to such selected lands shall finally attach; and the Secretary of the Interior shall also ascertain whether any of such sixteenth and thirty-sixth sections are mineral lands, and shall certify their character, which certificate shall determine the matter.

Colorado may select certain other lands in lieu of mineral lands for school purposes.

R. S., § 2275.
1875, March 3, ch. 139, § 7, ante, p. 86.

How selections to be made.

SEC. 2. That it shall be the duty of the deputy surveyor, at the time of executing the survey of any township, to make a critical examination of the character of sections sixteen and thirty-six, and to embrace in his field-notes a full report of any and all mineral discoveries found to the surveyor-general, who shall report to the Secretary of the Interior whether the whole or any part of either of said sections is mineral in character.

Deputy surveyor to make examination and report thereon.
R. S., § 2346.

SEC. 3. That the State of Colorado, in selecting lands for agricultural-college purposes under the acts of July second, eighteen hundred and sixty-four, (1) and July twenty-third, eighteen hundred and sixty-six, may select an amount of land equal to thirty thousand acres for each Senator and Representative which said State is entitled to in Congress, from any public land in said State not double-minimum-priced land; or selections may be made from said double-minimum lands, but in the latter case the lands are to be computed at the maximum price and the number of acres proportionally diminished; but no mineral lands shall be selected. [April 2, 1884.]

Lands to be selected for agricultural college purposes.

1862, July 2, ch. 13, (12 Stat. L., 504.)

1866, July 23, ch. 109, (14 Stat. L., 208.)

R. S., § 2357.

NOTE.—(1) There is no such act in 1864. The act intended to be referred to appears to be that of 1862 as referred to in the title and noted in the margin.

CHAP. 25.—An act to amend section twenty-five hundred and twenty-seven of the Revised Statutes, relating to the district of Gloucester.

April 18, 1884.

23 Stat. L., 11.

Be it enacted, &c., That the second clause of section twenty-five hundred and twenty-seven of the Revised Statutes, describing the district of Gloucester, is hereby amended by making the town of Rockport a port of delivery therein. [April 18, 1884.]

Rockport made a port of delivery in district of Gloucester, Mass.

R. S., § 2527.

CHAP. 26.—An act making it a felony for a person to falsely and fraudulently assume or pretend to be an officer or employee acting under authority of the United States or any Department or any officer thereof, and prescribing a penalty therefor.

April 18, 1884.

23 Stat. L., 11.

Be it enacted, &c., That every person who, with intent to defraud either the United States or any person, falsely assumes or pretends to be an officer or employee acting under the authority of the United States, or any Department, or any officer of the Government thereof, and who shall take upon himself to act as such, or who shall in such pretended character demand or obtain from any person or from the United States, or any Department, or any officer of the Government thereof, any money, paper, document, or other valuable thing, shall be deemed guilty of felony, and shall, on conviction thereof, be punished by a fine of not more than one thousand dollars, or imprisonment not longer than three years, or both said punishments, in the discretion of the court. [April 18, 1884.]

Falsely pretending to be United States officer with intent to defraud, how punished.

R. S., § 5448.

CHAP. 28.—An act to amend the Revised Statutes of the United States relating to the District of Columbia, and for other purposes.

April 23, 1884.

23 Stat. L., 13.

Be it enacted, &c., That the following sections of the Revised Statutes of the United States of America relating to the District of Columbia be, and they are hereby, amended in the following manner, that is to say:

District of Columbia; incorporation laws amended.

Section five hundred and forty-five, by striking out the words "not exceeding twenty years;" so that the same shall read:

"**SEC. 545.** Any three or more persons of full age, citizens of the United States, a majority of whom shall be citizens of the District,

Societies in how formed.

Substitute for
R. S. of D. C.,
§ 545.
1874, March 28,
ch. 72, ante, p. 7.
1883, March 3,
ch. 124, ante, p. 407.

who desire to associate themselves for benevolent, charitable, educational, literary, musical, scientific, religious, or missionary purposes, including societies formed for mutual improvement, or for the promotion of the arts, may make, sign and acknowledge, before any officer authorized to take acknowledgment of deeds in the District and file in the office of the recorder of deeds, to be recorded by him, a certificate in writing in which shall be stated—

“First. The name or title by which such society shall be known in law.

“Second. The term for which it is organized.

“Third. The particular business and objects of the society.

“Fourth. The number of its trustees, directors, or managers for the first year of its existence.”

—corporate powers of.

Substitute for
R. S. of D. C.,
§ 546.

Section five hundred and forty-six, by adding at the end thereof the words “and other real and personal property the clear annual income from which shall not exceed in value twenty-five thousand dollars;” so that the same shall read:

“SEC. 546. Upon filing their certificate the persons who shall have signed and acknowledged the same, and their associates and successors, shall be a body politic and corporate, by the name stated in such certificate; and by that name they and their successors may have and use a common seal, and may alter and change the same at pleasure, and may make by-laws and elect officers and agents, and may take, receive, hold, and convey real and personal estate necessary for the purposes of the society as stated in their certificate, and other real and personal property the clear annual income from which shall not exceed in value twenty-five thousand dollars:

Provided, however, That this section shall not be construed to exempt any property from taxation in addition to that now specifically exempted by law.”

—election of officers; vacancies.

Substitute for
R. S. of D. C., §
547.

Section five hundred and forty-seven, by striking out the words “annually, or oftener, elect from its members,” and inserting the word “elect” after the word “may,” in the first line; so that the same shall read:

“SEC. 547. Such incorporated society may elect its trustees, directors, or managers at such time and place and in such manner as may be specified in its by-laws, who shall have the control and management of the affairs and funds of the society, and a majority of whom shall be a quorum for the transaction of business; and whenever any vacancy shall happen in such board of trustees, directors, or managers, the vacancy shall be filled in such manner as shall be provided by the by-laws of the society.”

—sale of real estate, &c.

Substitute for
R. S. of D. C., §
549.

That section five hundred and forty-nine of the Revised Statutes relating to the District of Columbia be, and the same is hereby, repealed; and in lieu of said section the following is enacted:

“SEC. 549. Any property of the corporation may be leased, encumbered by mortgage or deed of trust in the nature of a mortgage, or sold and conveyed absolutely, when authorized by a vote of a majority of the shares of stock of the corporation, or by a vote of a majority of the directors, managers, or trustees of the corporation, at a meeting called for the purpose, and the proceedings of which meeting shall be duly entered in the records of the corporation; and the proceeds arising therefrom shall be applied or invested for the use and benefit of such corporation.”

Limit of time of holding real estate abrogated; repealing R. S. of D. C., § 551.

Existing corporations may avail themselves of this act, &c.

SEC. 2. That section five hundred and fifty-one of the Revised Statutes relating to the District of Columbia be, and the same is hereby, repealed.

SEC. 3. That any corporation heretofore formed under sections five hundred and forty-five to five hundred and fifty-two, inclusive, of the Revised Statutes of the United States relating to the District of Columbia may avail itself of the provisions of this act by comply-

ing with its requirements, and those that this act is intended to amend; but the right to repeal this act, and to alter, amend, or abolish any charter of incorporation granted under it, is expressly reserved to Congress. [April 23, 1884.]

Right of repeal, &c.
R. S. of D. C., §§ 545-552.

CHAP. 37.—An act to provide for certain of the most urgent deficiencies in the appropriations for the service of the Government for the fiscal year ending June thirtieth, eighteen hundred and eighty-four, and for other purposes.

May 1, 1884.

23 Stat. L., 17.

Be it enacted, &c. * * Hereafter no Department or officer of the United States shall accept voluntary service for the Government or employ personal service in excess of that authorized by law except in cases of sudden emergency involving the loss of human life or the destruction of property. * * * [May 1, 1884.]

Acceptance of voluntary service for Government prohibited except, &c.
R. S., § 3679.

CHAP. 38.—An act to add certain counties in Alabama to the Northern District therein, and to divide the said Northern District after the addition of said counties into two divisions, and to prescribe the times and places for holding courts therein, and for other purposes.

May 2, 1884.

23 Stat. L., 18.

Be it enacted, &c., That the counties of Sumter, Greene, Hale, and Pickens, included in the southern district of Alabama, and the counties of Tuscaloosa, Bibb, Shelby, and Talladega, included in the middle district of Alabama, shall be hereafter included in and constitute part of the northern district of said State.

Alabama, certain counties added to northern judicial district.
R. S., § 532.
1874, June 22, 842, post, p. 510.
Northern district divided.

SEC. 2. That the said northern district is hereby divided into two divisions, which shall be known as the northern and southern divisions of the northern district of Alabama.

Southern division.

The southern division of said northern district shall include the counties of Sumter, Greene, Hale, Pickens, Tuscaloosa, Lamar, Fayette, Walker, Jefferson, Blount, Bibb, Shelby, Saint Clair, Etowah, Calhoun, Cleburne, Clay, Talladega, Cherokee, and De Kalb;

And a term of the district court and circuit court of the United States for said northern district shall be held for said southern division at the city of Birmingham, in the said county of Jefferson, twice in each year, on the first Mondays in March and September.

Southern division, courts to be at Birmingham.
R. S., §§ 572, 658.

The remaining counties in said northern district shall constitute the northern division thereof;

Northern division, courts to be held at Huntsville.
R. S., §§ 572, 658.
1874, June 22, ch. 401, § 1, ante, p. 38.

And the terms of the district and circuit courts of the United States for said northern division shall be held therein at the times and place now prescribed by law.

SEC. 3. That all offenses hereafter committed in either of said divisions shall be cognizable and indictable within the division where committed; and all grand and petit jurors summoned for service in each division shall be inhabitants thereof; and all offenses committed within either of said districts prior to the time this act goes into operation shall be prosecuted and tried as if this act had not been passed.

Offenses cognizable in division where committed.

SEC. 4. That all civil suits, not of a local character, which shall be hereafter brought in the circuit or district court of United States for the northern district of Alabama, in either of said divisions, against a single defendant, or where all the defendants reside in the same division of said district, shall be brought in the division in which the defendant or defendants reside; but if there are two or more defendants, residing in different divisions, such suit may be brought in either division; and all mesne and final process, subject to the provisions of this act, issued in either of said divisions, may be served and executed in either or both of the divisions.

Civil suits, not local in character, in which division may be brought.

Pending suits.

SEC. 5. That all civil suits and proceedings now pending in the circuit or district courts in said State shall not be affected by this act.

When act takes effect.

SEC. 6. That this act shall be in force from the first day of January, eighteen hundred and eighty-five; and all laws and parts of laws in conflict with this act are hereby repealed. [May 2, 1884.]

May 13, 1884.

CHAP. 44.—An act to provide for the appointment of an Acting Secretary of the Smithsonian Institution (1).

23 Stat. L., 21.

Acting Secretary of Smithsonian Institution may be appointed.

R. S. § 5582.

—duties.

Be it enacted, &c., That the Chancellor of the Smithsonian Institution may, by an instrument in writing filed in the office of the Secretary thereof, designate and appoint a suitable person to act as Secretary of the Institution when there shall be a vacancy in said office, and whenever the Secretary shall be unable from illness, absence, or other cause to perform the duties of his office; and in such case the person so appointed may perform all the duties imposed on the Secretary by law until the vacancy shall be filled or such inability shall cease.

The said Chancellor may change such designation and appointment from time to time as the interests of the Institution may in his judgment require. [May 13, 1884.]

NOTE.—(1) This act is a substantial repetition of 1879, Jan. 24, ch. 21 (20 Stat. L., 264).

May 13, 1884.

CHAP. 46.—An act amending the Revised Statutes of the United States in respect of official oaths, and for other purposes.

23 Stat. L., 21.

Certain officers of Confederate States, &c., disqualified for appointment in Army or Navy.

Substitute for R. S., § 1218.

Be it enacted, &c., That section twelve hundred and eighteen of the Revised Statutes of the United States be, and is hereby, amended so as to read as follows:

“SEC. 1218. No person who held a commission in the Army or Navy of the United States at the beginning of the late rebellion, and afterward 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 or Navy of the United States.”

SEC. 2. That section seventeen hundred and fifty-six of the Revised Statutes be, and the same is hereby, repealed;

And hereafter the oath to be taken by any person elected or appointed to any office of honor or profit either in the civil, military, or naval service, except the President of the United States, shall be as prescribed in section seventeen hundred and fifty-seven of the Revised Statutes.

But this repeal shall not affect the oaths prescribed by existing statutes in relation to the performance of duties in special or particular sub-ordinate offices and employments.

SEC. 3. That the provisions of this act shall in no manner affect any right, duty, claim, obligation, or penalty now existing or already incurred; and all and every such right, duty, claim, obligation, and penalty shall be heard, tried, and determined, and effect shall be given thereto, in the same manner as if this act had not been passed.

SEC. 4. (1) That section eight hundred and twenty of the Revised Statutes, imposing certain disqualifications on grand and petit jurors in the courts of the United States, and section eight hundred and twenty one of the Revised Statutes, prescribing an oath for grand and petit jurors in the courts of the United States, be, and the same are hereby, repealed. [May 13, 1884.]

NOTE.—(1) R. S. §§ 830, 821, repealed by this section, had already been repealed by 1879, June 30, ch. 52, § 2, *ante*, p. 270.

Official oath, form of.

R. S., § 1757.

1890, Aug. 29, ch. 820, § 1, *post*, p. 791.

Repeal of

R. S., § 1756.

Existing rights, duties, penalties, &c., not affected.

Certain disqualification and additional oaths of jurors repealed.

R. S., §§ 820, 821.

1879, June 20, ch. 52, § 2, *ante*, p. 270.

CHAP. 52.—An act to prevent and punish the counterfeiting within the United States of notes, bonds, or other securities of foreign Governments.

May 16, 1884.

23 Stat. L., 22.

Be it enacted, &c., That every person who, within the United States or any Territory thereof, with intent to defraud, falsely makes, alters, forges, or counterfeits any bond, certificate, obligation, or other security in imitation of, or purporting to be an imitation of, any bond, certificate, obligation, or other security of any foreign Government, issued or put forth under the authority of such foreign Government, or any treasury note, bill, or promise to pay issued by such foreign Government, and intended to circulate as money, either by law, order, or decree of such foreign Government, and any person who causes or procures to be so falsely made, altered, forged, or counterfeited, or who knowingly aids or assists in making, altering, forging, or counterfeiting, any such bond, certificate, obligation, or other security, or any such treasury note, bill, or promise to pay, intended as aforesaid to circulate as money, shall, upon conviction thereof in any circuit or district court of the United States, be punished by a fine of not more than five thousand dollars and by imprisonment at hard labor not more than five years.

Counterfeiting notes, bonds, &c., of foreign governments, how punished.

R. S., § 5431.
1891, Feb. 10,
ch. 127, §§ 2-5,
post, pp. 890.

SEC. 2. That every person who knowingly, and with intent to defraud, utters, passes, or puts off, in payment or negotiation, within the United States or any Territory thereof, any such false, forged, or counterfeit bond, certificate, obligation, security, treasury note, bill, or promise to pay, as mentioned in the first section of this act, whether the same was made, altered, forged, or counterfeited within the United States or not, shall, upon conviction as aforesaid, be punished by a fine of not more than three thousand dollars and by imprisonment at hard labor not more than three years.

Passing such forged bonds, &c.

SEC. 3. That every person who shall, with intent to defraud, falsely, within the United States or any Territory thereof, make, alter, forge, or counterfeit, or shall cause or procure to be so made, altered, forged, or counterfeited, or shall knowingly aid and assist in the false making, altering, forging, or counterfeiting, of any bank note or bill issued by a bank or other corporation of any foreign country, and intended by the law or usage of such foreign country to circulate as money, such bank or corporation being authorized by the laws of such country shall, upon conviction in any circuit or district court of the United States, be punished by a fine not exceeding two thousand dollars, and by imprisonment at hard labor not more than two years.

Counterfeiting notes of banks of foreign countries.

SEC. 4. That every person who shall, within the United States or any Territory thereof, utter, pass, put off, or tender in payment, with intent to defraud, any such false, forged, altered, or counterfeited bank note or bill, as mentioned in the preceding section, knowing the same to be so false, forged, altered, and counterfeited, whether the same was made, altered, forged, and counterfeited within the United States or not, shall, upon conviction as aforesaid, be punished by a fine of not more than one thousand dollars and by imprisonment at hard labor not more than one year.

Passing such counterfeit bank notes, &c.

SEC. 5. That every person who, within the United States or any Territory thereof, shall have in his possession any such false, forged, or counterfeit bond, certificate, obligation, security, treasury note, bill, promise to pay, bank note, or bill issued by a bank or other corporation of any foreign country, with intent to utter, pass, or put off the same, or to deliver the same to any other person with intent that the same may thereafter be uttered, passed, or put off as true, or who shall knowingly deliver the same to any other person with such intent, shall, upon conviction as aforesaid, be punished by a fine of not more than one thousand dollars and by imprisonment at hard labor not more than one year.

Having such forged bonds, notes, &c., in possession.

SEC. 6. That every person who, within the United States or any Territory thereof, having control, custody, or possession of any plate,

Having unlawfully in possession

engraving or using plates for such bonds, notes, &c.

Printing, &c., from such plates.

or any part thereof, from which has been printed or may be printed any counterfeit note, bond, obligation, or other security, in whole or in part, of any foreign Government, bank, or corporation, except by lawful authority, or who uses such plate, or knowingly permits or suffers the same to be used, in counterfeiting such foreign obligations, or any part thereof, and every person who engraves, or causes or procures to be engraved, or assists in engraving, any plate in the likeness or similitude of any plate designed for the printing of the genuine issues of the obligations of any foreign Government, bank, or corporation, and every person who prints, photographs, or in any other manner makes, executes, or sells, or causes to be printed, photographed, made, executed, or sold, or aids in printing, photographing, making, executing, or selling any engraving, photograph, print, or impression in the likeness of any genuine note, bond, obligation, or other security, or any part thereof, of any foreign Government, bank, or corporation, or who brings into the United States or any Territory thereof any counterfeit plate, engraving, photograph, print, or other impressions of the notes, bonds, obligations, or other securities of any foreign Government, bank, or corporation, shall be punished by a fine of not more than five thousand dollars, or by imprisonment at hard labor not more than five years, or both. [May 16, 1884.]

May 17, 1884.

CHAP. 53.—An act providing a civil government for Alaska (1).

23 Stat. L., 24.

Alaska. A civil and judicial district.

R. S., §§ 1954–1976. Treaty, 15 Stat. L., 240.

19 Opins., 700.

Seat of government at Sitka.

Governor to be appointed.

—powers and duties.

—may grant reprieves.

—to be commander-in-chief of militia.

—other duties.

—to report annually.

Be it enacted, &c., That the territory ceded to the United States by Russia by the treaty of March thirtieth, eighteen hundred and sixty-seven and known as Alaska, shall constitute a civil and judicial district, the government of which shall be organized and administered as hereinafter provided.

The temporary seat of government of said district is hereby established at Sitka.

SEC. 2. That there shall be appointed for the said district a governor, who shall reside therein during his term of office and be charged with the interests of the United States Government that may arise within said district.

To the end aforesaid he shall have authority to see that the laws enacted for said district are enforced, and to require the faithful discharge of their duties by the officials appointed to administer the same.

He may also grant reprieves for offenses committed against the laws of the district or of the United States until the decision of the President thereon shall be made known.

He shall be ex officio commander-in-chief of the militia of said district, and shall have power to call out the same when necessary to the due execution of the laws and to preserve the peace, and to cause all able-bodied citizens of the United States in said district to enroll and serve as such when the public exigency demands;

And he shall perform generally in and over said district such acts as pertain to the office of governor of a territory, so far as the same may be made or become applicable thereto.

He shall make an annual report, on the first day of October in each year, to the President of the United States, of his official acts and doings, and of the condition of said district, with reference to

NOTE.—(1) For other laws subsequent to the date of the Revised Statutes, relating specially to Alaska see 1874, March 24, ch. 64, *ante*, p. 6, to prevent extermination of fur-bearing seals; 1889, March 1, ch. 319, § 17, *post*, pp. 637, 653, and 1890, March 19, Res. No. 12, *post*, p. 883, making special provisions as to census in Alaska; 1889, March 2, ch. 415, *post*, p. 701, providing for the protection of the salmon fisheries, and declaring the construction of Rev. Stat., § 1956; 1891, March 3, ch. 532, *post*, p. 937, establishing ports of delivery; 1891, March 3, ch. 551, §§ 11–15, *post*, pp. 944, 945, providing for the disposition and reservation of the public lands in Alaska.

its resources, industries, population, and the administration of the civil government thereof.

And the President of the United States shall have power to review and to confirm or annul any reprieves granted or other acts done by him. —subject to review by President.

SEC. 3. That there shall be, and hereby is, established a district court for said district, with the civil and criminal jurisdiction of district courts of the United States, and the civil and criminal jurisdiction of district courts of the United States exercising the jurisdiction of circuit courts, and such other jurisdiction, not inconsistent with this act, as may be established by law; District court: jurisdiction. R. S., §§ 563-571, 620-649.

And a district judge shall be appointed for said district, who shall during his term of office reside therein and hold at least two terms of said court therein in each year, one at Sitka, beginning on the first Monday in May, and the other at Wrangel, beginning on the first Monday in November. Judge and terms of court. 22 C. Cls., 317. 141 U. S., 174.

He is also authorized and directed to hold such special sessions as may be necessary for the dispatch of the business of said court, at such times and places in said district as he may deem expedient, and may adjourn such special session to any other time previous to a regular session. Special sessions.

He shall have authority to employ interpreters, and to make allowances for the necessary expenses of his court. Expenses of court.

SEC. 4. That a clerk shall be appointed for said court, who shall be ex officio secretary and treasurer of said district, a district attorney, and a marshal, all of whom shall during their terms of office reside therein. Clerk, district attorney, and marshal.

The clerk shall record and preserve copies of all the laws, proceedings, and official acts applicable to said district. Clerk's duties.

He shall also receive all moneys collected from fines, forfeitures, or in any other manner except from violations of the custom laws, and shall apply the same to the incidental expenses of the said district court and the allowances thereof, as directed by the judge of said court, and shall account for the same in detail, and for any balances on account thereof, quarterly, to and under the direction of the Secretary of the Treasury. —accounts.

He shall be ex officio recorder of deeds and mortgages and certificates of location of mining claims and other contracts relating to real estate and register of wills for said district, and shall establish secure offices in the towns of Sitka and Wrangel, in said district, for the safekeeping of all his official records, and of records concerning the reformation and establishment of the present status of titles to lands, as hereinafter directed: —to be recorder of deeds, &c.

Provided, That the district court hereby created may direct, if it shall deem it expedient, the establishment of separate offices at the settlements of Wrangel, Oonalashka, and Juneau City, respectively, for the recording of such instruments as may pertain to the several natural divisions of said district most convenient to said settlements, the limits of which shall, in the event of such direction, be defined by said court; and said offices shall be in charge of the commissioners respectively as hereinafter provided. Separate recording offices may be established.

SEC. 5. That there shall be appointed by the President four commissioners in and for the said district who shall have the jurisdiction and powers of commissioners of the United States circuit courts in any part of said district, but who shall reside, one at Sitka, one at Wrangel, one at Oonalashka, and one at Juneau City. Commissioners, 4, to be appointed. R. S., §§ 627, 1014.

Such commissioners shall exercise all the duties and powers, civil and criminal, now conferred on justices of the peace under the general laws of the State of Oregon, so far as the same may be applicable in said district, and may not be in conflict with this act or the laws of the United States. —to have powers of Oregon justices of peace.

—and probate jurisdiction, seal, &c.

They shall also have jurisdiction, subject to the supervision of the district judge, in all testamentary and probate matters, and for this purpose their courts shall be opened at stated terms and be courts of record, and be provided with a seal for the authentication of their official acts.

—may grant writs of habeas corpus; —proceedings.

R. S., §§ 751, 752.

They shall also have power to grant writs of habeas corpus for the purpose of inquiring into the cause of restraint of liberty, which writs shall be made returnable before the said district judge for said district; and like proceedings shall be had thereon as if the same had been granted by said judge under the general laws of the United States in such cases.

—to have powers of notaries public.

R. S., § 1778.
1876, Aug. 15,
ch. 304, ante, p.
123.

Said commissioners shall also have the powers of notaries public, and shall keep a record of all deeds and other instruments of writing acknowledged before them and relating to the title to or transfer of property within said district, which record shall be subject to public inspection.

—accounts.

Said commissioners shall also keep a record of all fines and forfeitures received by them, and shall pay over the same quarterly to the clerk of said district court.

Governor to investigate operations of Alaska Seal and Fur Co.

The governor appointed under the provisions of this act shall, from time to time, inquire into the operations of the Alaska Seal and Fur Company, and shall annually report to Congress the result of such inquiries and any and all violations by said company of the agreement existing between the United States and said company.

Marshal's powers.

R. S., §§ 776, 787, 788.

SEC. 6. That the marshal for said district shall have the general authority and powers of the United States marshals of the States and Territories.

—to execute process, &c.

He shall be the executive officer of said court, and charged with the execution of all process of said court and with the transportation and custody of prisoners, and he shall be ex officio keeper of the jail or penitentiary of said district.

—to appoint 4 deputies; location and duties.

R. S., § 788.

He shall appoint four deputies, who shall reside severally at the towns of Sitka, Wrangel, Oonalashka, and Juneau City, and they shall respectively be ex officio constables and executive officers of the commissioners' courts herein provided, and shall have the powers and discharge the duties of United States deputy marshals, and those of constables under the laws of the State of Oregon now in force.

Laws of Oregon adopted.
29 Fed. Rep.,
689.

SEC. 7. That the general laws of the State of Oregon now in force are hereby declared to be the law in said district, so far as the same may be applicable and not in conflict with the provisions of this act or the laws of the United States;

Imprisonment.

And the sentence of imprisonment in any criminal case shall be carried out by confinement in the jail or penitentiary hereinafter provided for.

District Court, exclusive jurisdiction, what.

But the said district court shall have exclusive jurisdiction in all cases in equity or those involving a question of title to land, or mining rights, or the constitutionality of a law, and in all criminal offenses which are capital.

Civil cases.

In all civil cases, at common law, any issue of fact shall be determined by a jury, at the instance of either party;

Appeal from commissioners, when to lie.
30 Fed. Rep., 113.

And an appeal shall lie in any case, civil or criminal, from the judgment of said commissioners to the said district court where the amount involved in any civil case is two hundred dollars or more, and in any criminal case where a fine of more than one hundred dollars or imprisonment is imposed, upon the filing of a sufficient appeal bond by the party appealing, to be approved by the court or commissioner.

Writs of error in criminal cases from circuit court of Oregon.

Writs of error in criminal cases shall issue to the said district court from the United States circuit court for the district of Oregon

in the cases provided in chapter one hundred and seventy-six (2) of the laws of eighteen hundred and seventy-nine; and the jurisdiction thereby conferred upon circuit courts is hereby given to the circuit court of Oregon.

And the final judgments or decrees of said circuit and district court may be reviewed by the Supreme Court of the United States as in other cases (3).

SEC. 8. That the said district of Alaska is hereby created a land district, and a United States land-office for said district is hereby located at Sitka.

The commissioner provided for by this act to reside at Sitka shall be ex officio register of said land office, and the clerk provided for by this act shall be ex officio receiver of public moneys, and the marshal provided for by this act shall be ex officio surveyor-general of said district

And the laws of the United States relating to mining claims, and the rights incident thereto, shall, from and after the passage of this act, be in full force and effect in said district, under the administration thereof herein provided for, subject to such regulations as may be made by the Secretary of the Interior, approved by the President:

Provided, That the Indians or other persons in said district shall not be disturbed in the possession of any lands actually in their use or occupation or now claimed by them but the terms under which such persons may acquire title to such lands is reserved for future legislation by Congress:

And provided further, That parties who have located mines or mineral privileges therein under the laws of the United States applicable to the public domain, or who have occupied and improved or exercised acts of ownership over such claims, shall not be disturbed therein, but shall be allowed to perfect their title to such claims by payment as aforesaid:

And provided also, That the land not exceeding six hundred and forty acres at any station now occupied as missionary stations among the Indian tribes in said section, with the improvements thereon erected by or for such societies, shall be continued in the occupancy of the several religious societies to which said missionary stations respectively belong until action by Congress.

But nothing contained in this act shall be construed to put in force in said district the general land laws of the United States.

SEC. 9. That the governor, attorney, judge, marshal, clerk, and commissioners provided for in this act shall be appointed by the President of the United States, by and with the advice and consent of the Senate, and shall hold their respective offices for the term of four years, and until their successors are appointed and qualified.

They shall severally receive the fees of office established by law for the several offices the duties of which have been hereby conferred upon them, as the same are determined and allowed in respect of similar offices under the laws of the United States, which fees shall be reported to the Attorney-General and paid into the Treasury of the United States.

They shall receive respectively the following annual salaries.

The governor, the sum of three thousand dollars; the attorney, the sum of two thousand five hundred dollars; the marshal, the sum of two thousand five hundred dollars; the judge, the sum of three thousand dollars; and the clerk, the sum of two thousand five hundred dollars, payable to them quarterly from the Treasury of the United States.

NOTES.—(2) The act of 1879, March 3, ch. 176 (20 Stat. L., 354), "to give circuit courts appellate jurisdiction in certain criminal cases," here referred to, is omitted from this volume, as repealed by the provision of 1891, March 3, ch. 517, § 4, *post*, p. 903. "that no appeal, whether by writ of error or otherwise, shall hereafter be taken or allowed from any district court to the existing circuit courts, and no appellate jurisdiction shall hereafter be exercised or allowed by said existing circuit courts."

(3) In accordance with the provisions of 1891, March 3, ch. 517, § 15, *post*, p. 906, Alaska has been assigned to the Ninth Judicial Circuit. 129 U. S. 707.

1879, March 3, ch. 176 (20 Stat. L., 354).
27 Fed. Rep., 351.

Final judgment reviewed by Supreme Court U. S.

Land district, with office at Sitka.

Register and surveyor-general. R. S., §§ 2232, 2252.

R. S., §§ 2318-2352.

Mining laws to apply.

1891, March 3, ch. 561, §§ 11-15, *post*, p. 944.

Persons in possession of lands not to be disturbed, &c.

Mining locators may perfect claims.

Missionary stations confirmed.

General land laws not to apply.

Officers—their appointments.

—term of office.

—fees. R. S., §§ 823-857.

—salaries.

—traveling ex-
penses.

The District Judge, Marshal, and District Attorney shall be paid their actual, necessary expenses when traveling in the discharge of their official duties.

—accounts.
R. S., § 846.

A detailed account shall be rendered of such expenses under oath and as to the marshal and district attorney such account shall be approved by the judge, and as to his expenses by the Attorney General.

Fees of com-
missioners.
R. S., § 847.

The commissioners shall receive the usual fees of United States commissioners and of justices of the peace for Oregon, and such fees for recording instruments as are allowed by the laws of Oregon for similar services, and in addition a salary of one thousand dollars each.

Salary of deputy
marshals.

The deputy marshals, in addition to the usual fees of constables in Oregon, shall receive each a salary of seven hundred and fifty dollars, which salaries shall also be payable quarterly out of the Treasury of the United States.

Oath of office.
R. S., § 1757.
1884, May 13, ch.
46, § 2, *ante*, p. 428.
No legislature
or delegate to Con-
gress.

Each of said officials shall, before entering on the duties of his office, take and subscribe an oath that he will faithfully execute the same, which said oath may be taken before the judge of said district or any United States district or circuit judge. That all officers appointed for said district, before entering upon the duties of their offices, shall take the oaths required by law and the laws of the United States, not locally inapplicable to said district and not inconsistent with the provisions of this act are hereby extended thereto; but there shall be no legislative assembly in said district, nor shall any Delegate be sent to Congress therefrom.

Bond of clerk.

And the said clerk shall execute a bond, with sufficient sureties, in the penalty of ten thousand dollars, for the faithful performance of his duties, and file the same with the Secretary of the Treasury before entering on the duties of his office;

—of commission-
ers.

And the commissioners shall each execute a bond, with sufficient sureties, in the penalty of three thousand dollars, for the faithful performance of their duties, and file the same with the clerk before entering on the duties of their office.

Public build-
ings.

SEC. 10. That any of the public buildings in said district not required for the customs service or military purposes shall be used for court rooms and offices of the civil government; and the Secretary of the Treasury is hereby directed to instruct and authorize the custodian of said buildings forthwith to make such repairs to the jail in the town of Sitka, in said district, as will render it suitable for a jail and penitentiary for the purposes of the civil government hereby provided, and to surrender to the marshal the custody of said jail and the other public buildings, or such parts of said buildings as may be selected for court-rooms, offices, and officials.

Laws to be com-
piled by Attorney-
General printed
and distributed.

SEC. 11. That the Attorney-General is directed forthwith to compile and cause to be printed, in the English language, in pamphlet form, so much of the general laws of the United States as is applicable to the duties of the governor, attorney, judge, clerk, marshals, and commissioners appointed for said district, and shall furnish for the use of the officers of said Territory so many copies as may be needed of the laws of Oregon applicable to said district.

Commissioners
to examine and re-
port on condition
of Indians, lands,
&c.

SEC. 12. That the Secretary of the Interior shall select two of the officers to be appointed under this act, who, together with the governor, shall constitute a commission to examine into and report upon the condition of the Indians residing in said Territory, what lands, if any, should be reserved for their use, what provision shall be made for their education what rights by occupation of settlers should be recognized, and all other facts that may be necessary to enable Congress to determine what limitations or conditions should be imposed when the land laws of the United States shall be extended to said district; and to defray the expenses of said commission the sum of two thousand dollars is hereby appropriated out of any moneys in the Treasury not otherwise appropriated.

SEC. 13. That the Secretary of the Interior shall make needful and proper provision for the education of the children of school age in the Territory of Alaska, without reference to race, until such time as permanent provision shall be made for the same, and the sum of twenty-five thousand dollars, or so much thereof as may be necessary is hereby appropriated for this purpose.

Education of children.

SEC. 14. That the provisions of chapter three, title twenty-three, of the Revised Statutes of the United States, relating to the unorganized Territory of Alaska, shall remain in full force, except as herein specially otherwise provided;

Existing laws for Alaska to remain in force except, &c.

And the importation manufacture and sale of intoxicating liquors in said district except for medicinal mechanical and scientific purposes is hereby prohibited under the penalties which are provided in section nineteen hundred and fifty-five of the Revised Statutes for the wrongful importation of distilled spirits.

R. S., §§ 1954-1976.

Prohibition as to intoxicating liquors.

R. S., § 1955.
30 Fed. Rep., 114.
President to make necessary regulations, &c.

And the President of the United States shall make such regulations as are necessary to carry out the provisions of this section. [May 17, 1884.]

CHAP. 60.—An act for the establishment of a Bureau of Animal Industry, to prevent the exportation of diseased cattle, and to provide means for the suppression and extirpation of pleuro-pneumonia and other contagious diseases among domestic animals.

May 29, 1884.

23 Stat. L., 31.

Be it enacted, &c., That the Commissioner of Agriculture shall organize in his Department a Bureau of Animal Industry, and shall appoint a Chief thereof, who shall be a competent veterinary surgeon, and whose duty it shall be to investigate and report upon the condition of the domestic animals of the United States, their protection and use, and also inquire into and report the causes of contagious, infectious, and communicable diseases among them, and the means for the prevention and cure of the same, and to collect such information on these subjects as shall be valuable to the agricultural and commercial interests of the country;

Bureau of Animal Industry established.

—officers of—appointment and salary.

R. S. §§ 520-529.
1889, Feb. 9, ch. 122; March 2, ch. 373, *post*, p. 679.
1890, July 14, ch. 707, *par. 2. post*, p. 774.

And the Commissioner of Agriculture is hereby authorized to employ a force sufficient for this purpose, not to exceed twenty persons at any one time.

The salary of the Chief of said Bureau shall be three thousand dollars per annum;

And the Commissioner shall appoint a clerk for said Bureau, with a salary of one thousand five hundred dollars per annum.

SEC. 2. That the Commissioner of Agriculture is authorized to appoint two competent agents, who shall be practical stock-raisers or experienced business men familiar with questions pertaining to commercial transactions in live stock, whose duty it shall be, under the instructions of the Commissioner of Agriculture, to examine and report upon the best methods of treating, transporting, and caring for animals, and the means to be adopted for the suppression and extirpation of contagious pleuro-pneumonia, and to provide against the spread of other dangerous contagious, infectious, and communicable diseases.

—agents.

The compensation of said agents shall be at the rate of ten dollars per diem, with all necessary expenses, while engaged in the actual performance of their duties under this act, when absent from their usual place of business or residence as such agent.

—their compensation.

SEC. 3. That it shall be the duty of the Commissioner of Agriculture to prepare such rules and regulations as he may deem necessary for the speedy and effectual suppression and extirpation of said diseases, and to certify such rules and regulations to the executive authority of each State and Territory, and invite said authorities to co-operate in the execution and enforcement of this act.

—rules and regulations.

Co-operation of States and Territories.

18 Opins., 154.

Secretary of Agriculture to make investigation as to pleuro-pneumonia, &c.

Sec. of Treasury to adopt measures to prevent exportation of diseased live stock.

Transportation by railroads, vessels, &c., of diseased live stock prohibited.

Splenetic or Texas fever not considered contagious.

Notice to agents of railroads, &c., through infected districts.

Whenever the plans and methods of the Commissioner of Agriculture shall be accepted by any State or Territory in which pleuro-pneumonia or other contagious, infectious, or communicable disease is declared to exist, or such State or Territory shall have adopted plans and methods for the suppression and extirpation of said diseases, and such plans and methods shall be accepted by the Commissioner of Agriculture, and whenever the governor of a State or other properly constituted authorities signify their readiness to co-operate for the extinction of any contagious, infectious, or communicable disease in conformity with the provisions of this act, the Commissioner of Agriculture is hereby authorized to expend so much of the money appropriated by this act as may be necessary in such investigations, and in such disinfection and quarantine measures as may be necessary to prevent the spread of the disease from one State or Territory into another.

SEC. 4. That in order to promote the exportation of live stock from the United States the Commissioner of Agriculture shall make special investigation as to the existence of pleuro-pneumonia, or any contagious, infectious, or communicable disease, along the dividing-lines between the United States and foreign countries, and along the lines of transportation from all parts of the United States to ports from which live stock are exported, and make report of the results of such investigation to the Secretary of the Treasury, who shall, from time to time, establish such regulations concerning the exportation and transportation of live stock as the results of said investigations may require.

SEC. 5. That to prevent the exportation from any port of the United States to any port in a foreign country of live stock affected with any contagious, infectious, or communicable disease, and especially pleuro-pneumonia, the Secretary of the Treasury be, and he is hereby, authorized to take such steps and adopt such measures, not inconsistent with the provisions of this act, as he may deem necessary.

SEC. 6. That no railroad company within the United States, or the owners or masters of any steam or sailing vessel or other vessel or boat, shall receive for transportation or transport, from one State or Territory to another, or from any State into the District of Columbia, or from the District into any State, any live stock affected with any contagious, infectious, or communicable disease, and especially the disease known as pleuro-pneumonia; nor shall any person, company, or corporation deliver for such transportation to any railroad company, or master or owner of any boat or vessel, any live stock, knowing them to be affected with any contagious, infectious, or communicable disease;

Nor shall any person, company, or corporation drive on foot or transport in private conveyance from one State or Territory to another, or from any State into the District of Columbia, or from the District into any State, any live stock, knowing them to be affected with any contagious, infectious, or communicable disease, and especially the disease known as pleuro-pneumonia:

Provided, That the so-called splenetic or Texas fever shall not be considered a contagious, infectious, or communicable disease within the meaning of sections four, five, six and seven of this act, as to cattle being transported by rail to market for slaughter, when the same are unloaded only to be fed and watered in lots on the way thereto.

SEC. 7. That it shall be the duty of the Commissioner of Agriculture to notify, in writing, the proper officials or agents of any railroad, steamboat, or other transportation company doing business in or through any infected locality, and by publication in such newspapers as he may select, of the existence of said contagion;

And any person or persons operating any such railroad, or master or owner of any boat or vessel, or owner or custodian of or person having control over such cattle or other live stock within such infected district, who shall knowingly violate the provisions of section six of this act, shall be guilty of a misdemeanor, and, upon conviction, shall be punished by a fine of not less than one hundred nor more than five thousand dollars, or by imprisonment for not more than one year, or by both such fine and imprisonment.

Penalties.

SEC. 8. That whenever any contagious, infectious, or communicable disease affecting domestic animals, and especially the disease known as pleuro-pneumonia, shall be brought into or shall break out in the District of Columbia, it shall be the duty of the Commissioners of said District to take measures to suppress the same promptly and to prevent the same from spreading;

Pleuro-pneumonia in District of Columbia.

And for this purpose the said Commissioners are hereby empowered to order and require that any premises, farm, or farms where such disease exists, or has existed, be put in quarantine; to order all or any animals coming into the District to be detained at any place or places for the purpose of inspection and examination; to prescribe regulations for and to require the destruction of animals affected with contagious, infectious, or communicable disease, and for the proper disposition of their hides and carcasses; to prescribe regulations for disinfection, and such other regulations as they may deem necessary to prevent infection or contagion being communicated, and shall report to the Commissioner of Agriculture whatever they may do in pursuance of the provisions of this section.

Duties of District Commissioners.

SEC. 9. That it shall be the duty of the several United States district attorneys to prosecute all violations of this act which shall be brought to their notice or knowledge by any person making the complaint under oath; and the same shall be heard before any district or circuit court of the United State or Territorial court holden within the district in which the violation of this act has been committed.

District attorneys to prosecute for violation of act.

SEC. 10. [Appropriation.]

SEC. 11. That the Commissioner of Agriculture shall report annually to Congress, at the commencement of each session, a list of the names of all persons employed, an itemized statement of all expenditures under this act, and full particulars of the means adopted and carried into effect for the suppression of contagious, infectious, or communicable diseases among domestic animals. [May 29, 1884.]

Secretary of Agriculture to report annually to Congress. R. S., § 528.

CHAP. 63.—An act to provide for the muster and pay of certain officers and enlisted men of the volunteer forces.

June 3, 1884.

23 Stat. L., 34.

Be enacted, &c. [For substitute for Section 1, see 1887, Feb. 3, ch. 92, post, p. 528.]

SEC. 2. That the heirs or legal representatives of any officer whose muster into the service has been or shall be amended hereby shall be entitled to receive the arrears of pay due such officer, and the pension, if any, authorized by law, for the grade into which such officer is mustered under the provisions of this act.

Heirs, &c., of such persons to receive arrears of pay and pension.

SEC. 3. That all claims arising under this act shall be presented to and filed in the proper Department (1) within three years from and after the passage hereof, and all such claims not so presented and filed within said three years shall be forever barred, and no allowance ever made thereon.

Claims barred after three years.

SEC. 4. That the pay and allowances of a rank or grade paid to and received by any military or naval officer in good faith for serv-

Pay, &c., during the rebellion not

to be recovered back by reason of defect in title to office.

ices actually performed by such officer in such rank or grade during the war of the rebellion shall not be charged to or recovered back from such officer because of any defect in the title of such officer to the office, rank, or grade in which such services were so actually performed. [June 3, 1884.]

June 3, 1884.

23 Stat. L., 35.

CHAP. 64.—An act to amend sections four, five, and nine of an act approved February twenty-fourth eighteen hundred and seventy-nine, entitled "An act to create the northern judicial district of the State of Texas, and to change the eastern and western judicial districts of said State, and to fix the time and places for holding courts in said districts", and to provide for holding terms of the court of the western judicial district of Texas at the city of El Paso, and for other purposes.

Texas, judicial districts in.—terms of court in western district.—northern judicial districts.

Process in certain counties to be returned to El Paso.

1879, Feb. 24, ch. 97, §5, ante, p. 218.

Deputy clerk at El Paso.

1879, Feb. 24, ch. 97, §9, ante, p. 220.

When act takes effect.

Be it enacted, &c. [The substitute herein contained for 1879, Feb. 24, ch. 97, § 4 (20 Stat. L., 318), is superseded by a later substitute in 1890, Feb. 4, ch. 5, post, p. 703.]

SEC 2. That section five of said act be so amended that all process issued after this act shall take effect against defendants residing in the counties of El Paso, Pecos, Presidio, Tom Green, Crockett, Andrews, Gaines, Yoakum, Cockran, Bailey, Farmer, Castro, Lamb, Hockley, Terry, Dawson, Martin, Swisher, Hale, Lubbock, Lynn, Floyd, Crosby, Garza, Borden, Howard, Scurry, and Mitchell shall be returned to the city of El Paso.

* * [Part omitted relates to pending cases.] * *

SEC. 3. That there shall be appointed, in the manner provided by law a deputy clerk who shall keep his office at the city of El Paso.

SEC. 4. That this act shall take effect and be in force on the first day of January anno Domini eighteen hundred and eight-five; and all laws and parts of laws in conflict with this act be and the same are hereby repealed [June 3, 1884.]

June 9, 1884.

23 Stat. L., 40.

CHAP. 73.—An act fixing the rate of postage to be paid upon mail matter of the second class when sent by persons other than the publisher or news agent.

Postage on newspapers and periodicals one cent for four ounces.

R. S., § 3905.
1879, March 3, ch. 180, §§ 10, 14, 25, ante, pp. 246, 249. 1885, March 3, ch. 342, par. 4, post, p. 488.

Be it enacted, That the rate of postage on newspaper and periodical publications of the second class, when sent by others than the publisher or news agent, shall be one cent for each four ounces or fractional part thereof, and shall be fully prepaid by postage-stamps affixed to said matter. [June 9, 1884.]

June 11, 1884.

23 Stat. L., 40.

CHAP. 75.—An act to amend section twenty-seven hundred and forty-three of the Revised Statutes concerning the examination of drugs

Salary of special examiner of drugs in Boston, Mass.
R. S., § 2743.

Be it enacted, &c., That section twenty-seven hundred and forty-three of the Revised Statutes is hereby so amended that the special examiner of drugs, medicines, chemicals, chemical preparations, dyes and dye-stuffs, paints, oils, varnishes, and other similar articles, at Boston, in Massachusetts, shall receive a salary of two thousand five hundred dollars, per annum, and shall be paid each year quarterly. [June 11, 1884.]

CHAP. 79.—An act to amend an act passed February fifteenth, eighteen hundred and forty-three, chapter thirty-three, to authorize the legislatures of certain States to sell certain lands appropriated for school purposes.

June 12, 1884.

23 Stat. L., 41.

Be it enacted, &c., That the second section of the act of Congress passed February fifteenth, eighteen hundred and forty-three, chapter thirty-three, be amended so as to read as follows, to wit:

“That the legislatures of the States of Illinois, Arkansas, Louisiana, and Tennessee be, and they are hereby, authorized to make such laws and needful regulations as may be deemed expedient to secure and protect from injury or waste the sections reserved by the laws of Congress for the use of schools to each township, and to provide by law, if not deemed expedient to sell, for leasing the same for any term of years they may think proper, in such manner as to render them productive and most conducive to the object for which they are designed” [June 12, 1884.]

Illinois, Arkansas, Louisiana, and Tennessee may make laws for protection or lease of school lands.

1843, Feb. 15, ch. 33, § 2 (5 Stat. L., 601.)

CHAP. 102.—An act to fix and render certain the terms of the United States circuit and district courts in the eastern and northern districts of Texas.

June 20, 1884.

23 Stat. L., 48.

Be it enacted, &c., That the terms of the United States circuit and district courts in the eastern and northern districts of (1) Texas shall be held in each year at the times and places as follows:

At Galveston, in the eastern district, on the first Mondays of March and November;

At Tyler, in the eastern district, on the second Mondays of January and May;

At Jefferson, in the eastern district, on the second Mondays of February and September;

At Dallas, in the northern district, on the second Monday of January and the third Monday of May;

At Graham, in the northern district, on the second Monday of March and the third Monday of October;

At Waco, in the northern district, on the second Monday of April and the third Monday of November.

SEC. 2. That all laws or parts of laws in conflict with this act be, and the same are hereby, repealed.

SEC. 3. That this act shall take effect from and after the first day of July next. [June 20, 1884.]

Texas: terms of court in eastern and northern districts.

R. S., §§ 572, 658.

Repeal.

When act takes effect.

NOTE.—(1) The laws relating to United States courts in Texas are fully reviewed in a note to 1879, Feb. 24, ch. 97, *ante*, p. 217.

CHAP. 103.—An act to amend an act entitled “An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes,” approved June tenth, eighteen hundred and eighty.

June 20, 1884.

23 Stat. L., 48.

Be it enacted, &c., That the first and seventh sections of the act entitled “An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes,” approved June tenth, eighteen hundred and eighty, be, and the same is hereby, amended by inserting the words “Newport News” after the word “Norfolk,” in each of said sections. [June 20, 1884.]

Newport News, Va., added to ports of entry and delivery for immediate transportation of goods.

1880, June 10, ch. 190, §§ 1, 7, *ante*, pp. 293, 294.

June 20, 1884.

22 Stat. L., 50.

CHAP. 106.—An act to change the times of holding the district and circuit courts of the United States in the northern district of Georgia.

Be it enacted, &c., That hereafter the regular terms of the district and circuit courts of the United States in the northern district of (1) Georgia now held on the first and second Mondays of September respectively shall each be held on the first Monday in October in each year. [June 20, 1884.]

Georgia: terms of courts of northern district.

R. S., §§ 572, 658.

NOTE.—(1) The laws relating to United States courts in Georgia are fully reviewed in a note to 1882, Apr. 25, ch. 87, *ante*, p. 336.

June 20, 1884. **CHAP. 107.**—An act to authorize the National Academy of Sciences to receive and hold trust funds for the promotion of science, and for other purposes.

23 Stat. L., 50.

National Academy of Sciences may hold trust funds, &c.

1863, March 3, ch. 111 (12 Stat. L., 806).

Be it enacted, &c., That the National Academy of Sciences, incorporated by the act of Congress approved March third, eighteen hundred and sixty-three, and its several supplements, be, and the same is hereby, authorized and empowered to receive bequests and donations, and hold the same in trust, to be applied by the said academy in aid of scientific investigations and according to the will of the donors. [June 20, 1884.]

June 26, 1884. **CHAP. 121.**—An act to remove certain burdens on the American merchant marine and encourage the American foreign carrying trade and for other purposes.

23 Stat. L., 53.

Officers of vessels of U. S. to be citizens except, &c.

R. S., § 4131.
1874, April 17, ch. 107, *ante*, p. 8.

Be it enacted, &c. That the last clause of section forty-one hundred and thirty-one of the Revised Statutes be amended so as to read as follows:

“All the officers of vessels of the United States shall be citizens of the United States, except that in cases where, on a foreign voyage, or on a voyage from an Atlantic to a Pacific port of the United States, any such vessel is for any reason deprived of the services of an officer below the grade of master, his place, or a vacancy caused by the promotion of another officer to such place, may be supplied by a person not a citizen of the United States until the first return of such vessel to its home port; and such vessel shall not be liable to any penalty or penal tax for such employment of an alien officer.”

SEC. 2. That section forty-five hundred and eighty of the Revised Statutes be amended so as to read as follows:

“**SEC. 4580.** Upon the application of the master of any vessel to a consular officer to discharge a seaman, or upon the application of any seaman for his own discharge, if it appears to such officer that said seaman has completed his shipping agreement, or is entitled to his discharge under any act of Congress or according to the general principles or usages of maritime law as recognized in the United States, such officer shall discharge said seaman, and require from the master of said vessel, before such discharge shall be made, payment of the wages which may then be due said seaman;

But no payment of extra wages shall be required by any consular officer upon such discharge of any seaman except as provided in this act.”

SEC. 3. That section forty-five hundred and eighty-three of the Revised Statutes be amended so as to read as follows:

“**SEC. 4583.** Whenever on the discharge of a seaman in a foreign country, on his complaint that the voyage is continued contrary to agreement, the consular officer shall be satisfied that such voyage has been designedly and unnecessarily prolonged in violation of the articles of shipment, or whenever a seaman is discharged by a consular officer in consequence of any hurt or injury received in the service of the vessel, such consular officer shall require the payment by the master of one month's wages for such seaman over and above the wages due at the time of discharge.”

SEC. 4. That section forty-five hundred and sixty-one of the Revised Statutes be amended so as to read as follows:

“**SEC. 4561.** The inspectors in their report shall also state whether, in their opinion, the vessel was sent to sea unsuitably provided in any important or essential particular, by neglect or design, or through mistake or accident; and in case it was by neglect or design, and the consular officer approves of such finding, he shall discharge such of the crew as request it, and shall require the payment by the master of one month's wages for each seaman over and above the wages then due.

Discharge of seamen and payment of wages.

Substitute for R. S., § 4580.

Extra wages when voyage is unnecessarily prolonged or discharge is for injuries received.

Substitute for R. S., § 4583.

Discharge of crew and payment of extra wages on account of unseaworthiness of vessel.

Substitute for R. S., § 4561.

But if, in the opinion of the inspectors, the defects or deficiencies found to exist have been the result of mistake or accident, and could not, in the exercise of ordinary care, have been known and provided against before the sailing of the vessel, and the master shall, in a reasonable time, remove or remedy the causes of complaint, then the crew shall remain and discharge their duty."

"SEC. 5. That section forty-five hundred and eighty-two of the Revised Statutes be amended so as to read as follows:

"SEC. 4582. Whenever a vessel of the United States is sold in a foreign country, and her company discharged, it shall be the duty of the master to produce to the consular officer the certified list of his ship's company, and also the shipping articles, and to pay to said consular officer for every seaman so discharged one month's wages over and above the wages which may then be due to such seaman;

But in case the master of the vessel so sold shall, with the assent of said seaman, provide him with adequate employment on board some other vessel bound to the port at which he was originally shipped, or to such other port as may be agreed upon by him, then no payment of extra wages shall be required."

SEC. 6. That section forty-six hundred of the Revised Statutes be amended so as to read as follows:

"SEC. 4600. It shall be the duty of consular officers to reclaim deserters and discountenance insubordination by every means within their power, and where the local authorities can be usefully employed for that purpose, to lend their aid and use their exertions to that end in the most effectual manner.

In all cases where deserters are apprehended the consular officer shall inquire into the facts; and if he is satisfied that the desertion was caused by unusual or cruel treatment, he shall discharge the seaman, and require the master of the vessel from which such seaman is discharged to pay one month's wages over and above the wages then due; and the officer discharging such seaman shall enter upon the crew-list and shipping articles the cause of discharge, and the particulars in which the cruelty or unusual treatment consisted, and the facts as to his discharge or re-engagement, as the case may be, and subscribe his name thereto officially."

SEC. 7. That section forty-five hundred and eighty-one of the Revised Statutes be amended so as to read as follows:

"SEC. 4581. If any consular officer, when discharging any seaman, shall neglect to require the payment of and collect the arrears of wages and extra wages required to be paid in the case of the discharge of any seaman, he shall be accountable to the United States to the full amount thereof. * * [Words omitted superseded, 1888, April 4, ch. 61, § 3, post, p. 584.]

SEC. 8. That section forty-five hundred and eighty-four of the Revised Statutes be hereby repealed.

SEC. 9. That section forty-five hundred and seventy-eight of the Revised Statutes be amended so as to read as follows:

"SEC. 4578. All masters of vessels of the United States, and bound to some port of the same, are required to take such destitute seamen on board their vessels, at the request of consular officers, and to transport them to the port in the United States to which such vessel may be bound, on such terms, not exceeding ten dollars for each person for voyages of not more than thirty days, and not exceeding twenty dollars for each person for longer voyages, as may be agreed between the master and the consular officer; and said consular officer shall issue certificates for such transportation, which certificates shall be assignable for collection.

If any such destitute seaman is so disabled or ill as to be unable to perform duty, the consular officer shall so certify in the certificate of transportation, and such additional compensation shall be paid as the First Comptroller of the Treasury shall deem proper.

Extra wages upon discharge in case of sale.
Substitute for R. S., § 4582.

Reclamation and discharge of deserters by consular officers.
Substitute for R. S., § 4600.

Penalty on consuls for neglect to collect extra wages.
Substitute for R. S., § 4581.

Repeal of R. S., § 4584.
Disposal of extra wages.

Destitute seamen to be transported to U. S. by masters of vessels, at cost of U. S.
Substitute for R. S., § 4578.
1886, June 19, ch. 421, § 18, post, p. 497.

Additional pay by U. S., when seamen unable to do duty.

Refusal by master to receive des-
tinate seamen.

Every such master who refuses to receive and transport such seamen on the request or order of such consular officer shall be liable to the United States in a penalty of one hundred dollars for each seaman so refused. The certificate of any such consular officer, given under his hand and official seal, shall be presumptive evidence of such refusal in any court of law having jurisdiction for the recovery of the penalty.

Limit of obligation.

1886, June 19,
ch. 421, § 18, *post*,
p. 497.

No master of any vessel shall, however, be obliged to take a greater number than one man to every one hundred tons burden of the vessel on any one voyage."

Payments in advance or for shipment of seamen, prohibited.

22 Fed. Rep., 734.
27 Fed. Rep., 765.
24 C. Cls., 160.

"SEC. 10. That it shall be, and is hereby, made unlawful in any case to pay any seamen wages before leaving the port at which such seaman may be engaged in advance of the time when he has actually earned the same, or to pay such advance wages to any other person, or to pay any person, other than an officer authorized by act of Congress to collect fees for such service, any remuneration for the shipment of seamen.

18 Opins., 253.

Any person paying such advance wages or such remuneration shall be deemed guilty of a misdemeanor, and, upon conviction, shall be punished by a fine not less than four times the amount of the wages so advanced or remuneration so paid, and may be also imprisoned for a period not exceeding six months, at the discretion of the court.

The payment of such advanced wages or remuneration shall in no case, except as herein provided, absolve the vessel, or the master or owner thereof, from full payment of wages after the same shall have been actually earned, and shall be no defense to a libel, suit, or action for the recovery of such wages:

Exemption of whaling vessels.

Provided, That this section shall not apply to whaling-vessels:

And provided further, * * [Words omitted, superseded, 1886, June 19, ch. 421, § 3, *post*, p. 493.]

Penalty for false claim of relationship.

And any person who shall falsely claim such relationship to any seaman in order to obtain wages so allotted shall, for every such offense, be punishable by a fine of not exceeding five hundred dollars, or imprisonment not exceeding six months, at the discretion of the court.

Section applies to foreign vessels.

This section shall apply as well to foreign vessels as to vessels of the United States; * * [Words omitted, superseded, 1886, June 19, ch. 421, § 3, *post*, p. 493.]

Vessels to have slop-chest with clothing, &c.

R. S., § 4569.
1886, June 19,
ch. 421, § 13, *post*,
p. 496.

SEC. 11. That every vessel mentioned in section forty-five hundred and sixty-nine of the Revised Statutes shall also be provided with a slop-chest, which shall contain a complement of clothing for the intended voyage for each seaman employed, including boots or shoes, hats or caps, under clothing and outer clothing, oiled clothing, and everything necessary for the wear of a seaman; also a full supply of tobacco and blankets.

Contents to be sold to seamen.

Any of the contents of the slop-chest shall be sold, from time to time, to any or every seaman applying therefor, for his own use, at a profit not exceeding ten per centum of the reasonable wholesale value of the same at the port at which the voyage commenced.

Penalty for not providing clothing, &c.

And if any such vessel is not provided, before sailing, as herein required, the owner shall be liable to a penalty of not more than five hundred dollars.

Vessels excepted.

The provisions of this section shall not apply to vessels plying between the United States and the Dominion of Canada, Newfoundland, the Bermuda Islands, the Bahama Islands the West Indies, Mexico and Central America. (1)

Consular fees for services to vessels and seamen repealed.

SEC. 12. That on and after July first, eighteen hundred and eighty-four, no fees named in the tariff of consular fees prescribed by order

18 Opins., 99, 234.

NOTE.—(1) Or, by 1886, June 19, ch. 421, § 13, *post*, p. 496, to vessels engaged in the whaling or fishing business.

of the President shall be charged or collected by consular officers for the official services to American vessels and seamen.

Consular officers shall furnish the master of every such vessel with an itemized statement of such services performed on account of said vessel, with the fee so prescribed for each service, and make a detailed report to the Secretary of the Treasury of such services and fees, under such regulations as the Secretary of State may prescribe; and the Secretary of the Treasury shall allow consular officers who are paid in whole or in part by fees such compensation for said services as they would have received prior to the passage of this act:

Provided, That such services, in the opinion of the Secretary of the Treasury have been necessarily rendered;

And a sum sufficient for the payment of such compensation, when thus adjusted by the Secretary of the Treasury, is hereby appropriated out of any money in the Treasury not otherwise appropriated.

SEC. 13. That section forty-two hundred and thirteen of the Revised Statutes be amended so as to read as follows:

“SEC. 4213. It shall be the duty of all masters of vessels for whom any official services shall be performed by any consular officer, without the payment of a fee, to require a written statement of such services from such consular officer, and, after certifying as to whether such statement is correct, to furnish it to the collector of the district in which such vessels shall first arrive on their return to the United States; and if any such master of a vessel shall fail to furnish such statement, he shall be liable to a fine of not exceeding fifty dollars, unless such master shall state under oath that no such statement was furnished him by said consular officer.

And it shall be the duty of every collector to forward to the Secretary of the Treasury all such statements as shall have been furnished to him, and also a statement of all certified invoices which shall have come to his office, giving the dates of the certificates, and the names of the persons for whom and of the consular officer by whom the same were certified.”

“SEC. 14. [*Substitute*, 1886, June 19, *ch.* 421, § 11, *post*, p. 495.]

SEC. 15. Sections forty-five hundred and eighty-five, forty-five hundred and eighty-six, and forty-five hundred and eighty-seven of the Revised Statutes, and all other acts and parts of acts providing for the assessment and collection of a hospital tax for seamen, are hereby, repealed, and the expense of maintaining the Marine Hospital Service shall hereafter be borne by the United States out of the receipts for duties on tonnage provided for by this act; and so much thereof as may be necessary, is hereby appropriated for that purpose.

SEC. 16. All articles of foreign production needed, and actually withdrawn from bonded warehouses, for supplies not including equipment of vessels of the United States engaged in the foreign trade, including the trade between the Atlantic and Pacific ports of the United States, may be so withdrawn free of duty, under such regulations as the Secretary of the Treasury may prescribe.

SEC. 17. When a vessel is built in the United States for foreign account, wholly or partly of foreign materials on which import duties have been paid, there shall be allowed on such vessel, when exported, a drawback equal in amount to the duty paid on such materials, to be ascertained under such regulations as may be prescribed by the Secretary of the Treasury. Ten per centum of the amount of such drawback so allowed shall, however, be retained for the use of the United States by the collector paying the same.

SEC. 18. That the individual liability of a ship-owner, shall be limited to the proportion of any or all debts and liabilities that his individual share of the vessel bears to the whole; and the aggregate liabilities of all the owners of a vessel on account of the same shall not exceed the value of such vessels and freight pending:

R. S., §§ 1745, 4207.

Consular officers to furnish master with items of services, &c. —compensation, how paid.

1886, June 19, *ch.* 421, § 1, *post*, p. 492.

Permanent appropriation.

Masters to require statement of services certified and furnish it to collector on arrival in U. S.

Substitute for R. S., § 4213. Penalty.

Collector to report to Secretary of Treasury.

Hospital tax on seamen abolished. Expenses of Marine Hospital Service, how paid.

Repeal of R. S., §§ 4585-4587.

1875, March 3, *ch.* 156, *ante*, p. 94, and 18 Stat. L., 485.

Articles of foreign production for supplies may be withdrawn from bond free of duty.

Drawback on materials used in vessels built in U. S. for foreign account.

R. S., § 2513. 1886, June 19, *ch.* 421, § 15, *post*, p. 496.

1890, Oct. 1, *ch.* 1244, § 8, *post*, p. 858.

Liability of owners of vessels for debts limited.

R. S., §§ 4283-4289.

1886, June 19, ch. 421, § 4, *post*, p. 494.

Master may engage seamen, for what voyage.

R. S., §§ 4511-4515.

1886, June 19, ch. 421, § 1, *post*, p. 492.

When may he ship without additional fees.

Seamen engaged in foreign port, when not to be reshipped in port of U. S.

R. S., §§ 4517, 4518, 4576.

Word "port" defined.

R. S., §§ 4178, 4334.

1891, Feb. 21, ch. 250, *post*, p. 894.

Passengers by vessels between U. S. and Canada or Mexico exempt from alien passengers tax.

1882, Aug. 3, ch. 376, § 1, *ante*, p. 370.

24 C. Cls., 255.

Repeal of laws arbitrarily requiring vessels to carry mails.

R. S., §§ 3976, 4203.

1891, March 3, ch. 519, *post*, p. 905.

Merchandise imported in vessels, how taken possession of and deposited by collector.

Substitute for R. S., § 2966.

25 Fed. Rep., 327.

Provided, That this provision shall not affect the liability of any owner incurred previous to the passage of this act, nor prevent any claimant from joining all the owners in one action; nor shall the same apply to wages due to persons employed by said ship-owners.

SEC. 19. That a master of a vessel in the foreign trade may engage a seaman at any port in the United States, in the manner provided by law, to serve on a voyage to any port, or for the round trip from and to the port of departure, or for a definite time, whatever the destination.

The master of a vessel making regular and stated trips between the United States and a foreign country may engage a seaman for one or more round trips, or for a definite time, or on the return of said vessel to the United States may reship such seaman for another voyage in the same vessel, in the manner provided by law, without the payment of additional fees to any officer for such reshipment or re-engagement.

SEC. 20. That every master of a vessel in the foreign trade may engage any seaman at any port out of the United States, in the manner provided by law, to serve for one or more round trips from and to the port of departure, or for a definite time, whatever the destination;

And the master of a vessel clearing from a port of the United States with one or more seamen engaged in a foreign port as herein provided shall not be required to reship in a port of the United States the seamen so engaged, or to give bond, as required by section forty-five hundred and seventy-six of the Revised Statutes, to produce said seamen before a boarding officer on the return of said vessel to the United States.

SEC. 21. That the word "port," as used in sections forty-one hundred and seventy-eight and forty-three hundred and thirty-four of the Revised Statutes, in reference to painting the name and port of every registered or licensed vessel on the stern of such vessel, shall be construed to mean either the port where the vessel is registered or enrolled, or the place in the same district where the vessel was built or where one or more of the owners reside.

SEC. 22. That until the provisions of section one, chapter three hundred and seventy-six, of the laws of eighteen hundred and eighty-two, shall be made applicable to passengers coming into the United States by land carriage, said provisions shall not apply to passengers coming by vessels employed exclusively in the trade between the ports of the United States and the ports of the Dominion of Canada or the ports of Mexico.

SEC. 23. That sections thirty-nine hundred and seventy-six and forty-two hundred and three of the Revised Statutes of the United States, and all other compulsory laws and parts of laws that oblige American vessels to carry the mails to and from the United States arbitrarily, or that prevent the clearance of vessels until they shall have taken mail matter on board, be and the same are hereby repealed, but such repeal shall not take effect until the first day of April eighteen hundred and eighty-five.

SEC. 24. That section twenty-nine hundred and sixty-six of the Revised Statutes be amended by striking out the words "propelled in whole or in part by steam"; so that said section as amended shall read as follows:

"SEC. 2966. When merchandise shall be imported into any port of the United States from any foreign country in vessels, 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. 25. That section twenty-eight hundred and seventy-two of the Revised Statutes be amended by adding thereto the following:

"When the license to unload between the setting and rising of the sun is granted to a sailing-vessel under this section, a fixed, uniform, and reasonable compensation may be allowed to the inspector or inspectors for service between the setting and rising of the sun, under such regulations as the Secretary of the Treasury may prescribe, to be received by the collector from the master, owner, or consignee of the vessel, and to be paid by him to the inspector or inspectors."

SEC. 26. That whenever any fine, penalty, forfeiture, exaction, or charge arising under the laws relating to vessels or seamen has been paid to any collector of customs or consular officer, and application has been made within one year from such payment for the refunding or remission of the same, the Secretary of the Treasury, if on investigation he finds that such fine, penalty, forfeiture, exaction, or charge was illegally, improperly, or excessively imposed, shall have the power, either before or after the same has been covered into the Treasury, to refund so much of such fine, penalty, forfeiture, exaction, or charge as he may think proper, from any moneys in the Treasury not otherwise appropriated.

SEC. 27. That section forty-five hundred and one of the Revised Statutes is hereby amended so as to read as follows:

"SEC. 4501. The Secretary of the Treasury shall appoint a commissioner for each port of entry, which is also a port of ocean navigation, and which, in his judgment, may require the same; such commissioner to be termed a shipping commissioner, and may, from time to time, remove from office any such commissioner whom he may have reason to believe does not properly perform his duty, and shall then provide for the proper performance of his duties until another person is duly appointed in his place:

Provided, That Shipping Commissioners now in office shall continue to perform the duties thereof until others shall be appointed in their places.

Shipping Commissioners shall monthly render a full, exact, and itemized account of their receipts and expenditures to the Secretary of the Treasury, who shall determine their compensation, and shall from time to time determine the number and compensation of the clerks appointed by such commissioner, with the approval of the Secretary of the Treasury, subject to the limitations now fixed by law.

The Secretary of the Treasury shall regulate the mode of conducting business in the shipping offices to be established by the shipping commissioners as hereinafter provided, and shall have full and complete control over the same, subject to the provisions herein contained; and all expenditures by shipping commissioners shall be audited and adjusted in the Treasury Department in the mode and manner provided for expenditures in the collection of customs.

All fees of Shipping Commissioners shall be paid into the Treasury of the United States and shall constitute a fund which shall be used under the direction of the Secretary of the Treasury to pay the compensation of said Commissioners and their clerks and such other expenses as he may find necessary to ensure the proper administration of their duties.

SEC. 28. Before issuing any inspection certificate to any steamer the collector or other chief officer of customs for the port or district shall demand and receive from the owners thereof, as a compensation for the inspection and examinations made for the year, the fol-

Extra pay to inspectors of vessels allowed to unload at night.

R. S., § 2872.

Refund or remission of fines, &c., illegally assessed upon application to Secretary of Treasury within one year.

R. S., §§ 5298, 5294.
24 C. Cls., 255.

Shipping commissioners to be appointed by Sec. of Treasury.

Substitute for
R. S., § 4501.
1886, June 19, ch. 421, §§ 1, 2, *post*, pp. 492, 493.
26 C. Cls., *Gun- nison's Case*.

—to report receipts and expenditures, compensation, clerks, &c.
R. S., §§ 4592-4595.

Regulation of business, &c.,

Auditing expenses.

Fees to be paid into the Treasury.

Fees for inspection of steam-vessels.

R. S., § 4458.

1886, June 18, ch. 421, § 1, *post*, p. 492.

Vessels with articles in bulk may unload at other places than port of entry.

1880, June 10, ch. 190, *ante*, p. 293. 1887, Feb. 23, chs. 215, 218, *post*, pp. 540, 541.

R. S., § 2776.

Repeal; when act takes effect.

lowing sums, in addition to the fees for issuing enrollments and licenses now allowed by law, according to the tonnage of the vessel: For each steam-vessel of one hundred tons or under, ten dollars; and for each and every ton in excess of one hundred tons, five cents, in lieu of the fees now provided by law.

SEC. 29. That section twenty-seven hundred and seventy-six of the Revised Statutes is hereby amended by adding thereto the following:

“*Provided*, That vessels arriving at a port of entry in the United States, laden with coal, salt, railroad-iron, and other like articles in bulk, may proceed to places within that collection district to be specially designated by the Secretary of the Treasury, by general regulations or otherwise, under the superintendence of customs officers, at the expense of the parties interested, for the purpose of unloading cargoes of the character before mentioned.”

SEC. 30. All laws and parts of laws in conflict with the provisions of this act are hereby repealed; and this act shall take effect and be in force on and after July first, eighteen hundred and eighty-four. [June 26, 1884.]

June 26, 1884.

23 Stat. L., 60.

Graduates of Naval Academy to be ensigns.

R. S., §§ 1362, 1521.

1882, Aug. 5, ch. 391, pars. 1, 2, *ante*, p. 376.

Grade of junior ensigns abolished. 1883, March 3, ch. 97, par. 2, *ante*, p. 401.

Repeal

CHAP. 122.—An act to equalize the rank of graduates of the Naval Academy upon their assignment to the various corps.

Be it enacted, &c., That from and after the passage of this act all graduates of the Naval Academy who are assigned to the line of the Navy, on the successful completion of the six years course, shall be commissioned ensigns in the Navy.

1889, March 2, ch. 396, and note, *post*, p. 696.

SEC. 2. That the grade of junior ensign in the Navy is hereby abolished and the junior ensigns now on the list shall be commissioned ensigns in the Navy: *Provided*, That nothing in this act shall be so construed as to increase the number of officers in the Navy now allowed by law.

SEC. 3. That all acts and parts of acts inconsistent with the provisions of this act be and the same are hereby repealed [June 26, 1884.]

June 26, 1884.

23 Stat. L., 60.

Members of Congress may administer oaths to witnesses.

R. S., §§ 101-104.

1876, April 18, ch. 66, *ante*, p. 99.

1879, Feb. 3, ch. 40, *ante*, p. 212.

CHAP. 123.—An act to provide for the administration of oaths to witnesses in matters depending in either house of Congress.

Be it enacted, &c., That any member of either House of Congress may administer oaths to witnesses in any matter depending in either House of Congress of which he is a member, or any committee thereof. [June 26, 1884.]

June 27, 1884.

23 Stat. L., 60.

Letter-carriers to have leave of absence for fifteen days annually with pay, and substitutes to be employed.

R. S., §§ 3865, 3866.

1882, Aug. 2, ch. 373, § 2, *ante*, p. 363; 1883, March 3, ch. 128, § 4, and note, *ante*, pp. 409, 410. 1887, Jan. 3, ch. 14, *post*, p. 518.

CHAP. 126.—An act to grant letter-carriers at free-delivery offices fifteen days' leave of absence in each year.

Be it enacted, &c., That all letter-carriers at free-delivery offices shall be entitled to leave of absence, not to exceed fifteen days in each year, without loss of pay; and the Postmaster-General is hereby authorized to employ, when necessary, during the time such leave of absence is granted, such number of substitute letter-carriers as may be deemed advisable, who shall be paid for services rendered at the rate of six hundred dollars per annum. [June 27, 1884.]

1888, May 24, ch. 306, *post*, p. 537.

CHAP. 142.—An act to amend an act entitled “An act to amend the Statutes in relation to immediate transportation of dutiable goods, and for other purposes,” approved June tenth, eighteen hundred and eighty.

July 2, 1884.

23 Stat. L., 63.

Be it enacted, &c., That sections five and six of the act entitled. “An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes”, approved June tenth, eighteen hundred and eighty, be, and the same are hereby, amended so that they shall read as follows, namely:

SEC. 5. [*For further substitute see 1887, Feb. 23, ch. 215, post, p. 540.*]

SEC. 6. That merchandise so destined for immediate transportation shall be transferred, under proper supervision, directly from the importing vessel to the car, vessel, or vehicle specified in the entry provided for in section two of this act,” [*July 2, 1884.*]

Inland transportation of dutiable goods in bond.

Substitute for
1880, June 10, ch. 190, §§ 5, 6, ante, pp. 298, 294, (21 Stat. L., 174.)
Merchandise to be transferred to car, &c., directly from vessel.

1887, Feb. 23, ch. 215, post, p. 540.

CHAP. 143.—An act to amend chapter twenty of the Revised Statutes relating to the District of Columbia, concerning mechanics' liens.

July 2, 1884.

23 Stat. L., 64.

Be it enacted, &c., That every building hereafter erected or repaired by the owner or his agent in the District of Columbia, and the lot or lots of ground of the owner upon which the same is being erected or repaired, shall be subject to a lien in favor of the contractor, subcontractor, material-man, journeyman, and laborer, respectively, for the payment for work or materials contracted for or furnished for or about the erection, construction, or repairing of such building, and also for any engine, machinery, or other thing placed in said building or connected therewith so as to be a fixture:

District of Columbia, mechanics' liens.

R. S. of D. C., §§ 692-712.

6 Mackey (D. C.); 289, 296, 348, 18 Dist. Col., 197.

Provided, That the person claiming the lien shall file the notice prescribed in the second section of this act:

—notice.

Provided further, That the said lien shall not exceed or be enforced for a greater sum than the amount of the original contract for the erection or repair of said building or buildings.

—not to exceed amount of contract.

SEC. 2. That any person wishing to avail himself of the provisions of this act, whether his claim be due or not, shall file in the office of the clerk of the supreme court of the District of Columbia, during the construction or within three months after the completion of such building or repairs, or the placing therein or adjacent thereto of any engine, machinery, or other thing as aforesaid, a notice of his intention to hold a lien upon the property declared by this act liable to such lien for the amount due or to become due to him, specifically setting forth the amount claimed.

Notice to be filed within specified time.

6 Mackey (D. C.), 180, 296.

The clerk aforesaid shall file and record such notice in a book provided for that purpose.

—and recorded.

SEC. 3. That the lien hereby given shall be preferred to all judgments, mortgages, deeds of trust, liens, and incumbrances which attach upon the said building or the ground aforesaid subsequent to the commencement of work on said building; and all incumbrances and liens (other than those which attached thereto prior to the commencement of said building or repairs) which by the laws of this District are required to be recorded shall be postponed to said liens unless recorded prior to the commencement of said building or repairs.

Lien to have priority of subsequent incumbrances.

SEC. 4. That when an owner of lands contracts with a builder for the sale of lots and the erection of buildings thereon, and agrees to advance moneys toward the erection of such buildings, the lien hereinafter authorized shall have priority to all advances made after the filing of said notices of lien, and the lien shall attach to the right, title, and interest of the owner in said building and land to the extent of all advances which shall have become due after the filing of such notice of such lien, and shall also attach to and be

Priority when owner sells lands and agrees to advance money for building.

a lien on the right, title, and interest of the person so agreeing to purchase said land at the time of the filing of said notices of lien.

—when building erected or repaired by lessee, tenant, or one equitably interested.

When a building shall be erected or repaired by a lessee or tenant for life or years, or a person having an equitable estate or interest in such building or the land on which it stands, the lien created by this act shall only extend to and cover the interest or estate of such lessee, tenant, or equitable owner.

Proceedings to be by bill in equity.

SEC. 5. That the proceedings to enforce the lien created by this act shall be by bill in equity, which shall contain a brief statement of the contract on which the claim is founded, the amount due thereon, the time when the notice was filed with the clerk as aforesaid, in case such notice is required by this act, the time when the building was completed, with a description of the premises, and any other material facts; and all persons who are interested in the premises, so far as they are known, shall be made parties complainants or defendants; and said bill shall pray that the premises may be sold and the proceeds of the sale applied to the discharge of the lien.

—service of summons.

The summons shall be served as in other cases in equity.

—decree of sale.

If judgment be rendered for the complainant, the court shall decree the sale of said land and premises, and shall declare the proper distribution of the fund arising from such sale;

—distribution of proceeds, judgments, interest.

And if upon sale the proceeds be insufficient to pay all liens under this act, they shall stand as a judgment against the party who incurred the debt, if he be made or become a party to the suit, but not otherwise; and such judgment shall bear interest, and have the same force and effect, and be enforced in the same manner as in cases of judgment at law.

Decree of court in case of more than one building.

SEC. 6. That in the case of labor done or materials furnished for the erection or repair of two or more buildings joined together and owned by the same person or persons, it shall not be necessary to determine the amount of work done or materials furnished for each particular building, but only the aggregate amount upon all the buildings so joined; and the decree of the court shall pass against all the buildings, and the land on which they are erected, as one building; but they may be sold separately if the court so decree.

Joint claimants.

If a joint claim be filed, and the proof shows a separate right of action, it shall not defeat the claim, but the court may require the pleadings to be amended, if necessary, upon such terms as it shall prescribe, and proceed to adjudicate the rights of the parties as to law and justice shall appertain.

Time of commencing suit limited.

SEC. 7. That any person entitled to a lien under this act may commence his suit to enforce the same at any time within one year from and after filing the notice aforesaid or the completion of said building or repairs, but no final adjudication shall be had until all persons who shall become interested in the building subject to such lien under the provisions of this act shall have an opportunity to be heard in said suit, providing such interest was vested at the time said suit was brought, or be acquired within three months thereafter, and such persons shall intervene in said suit within said term of three months.

Parties to be heard.

Consolidation of actions.

SEC. 8. That all or any number of persons having liens on the same building pursuant to the provisions of this act may join in one suit, but their respective claims may be stated distinctly in separate paragraphs, and the judgment shall show the amount to which they are respectively entitled. If several suits shall be brought by different claimants, and be pending at the same time, the court may order them to be consolidated.

Lien outside of Washington and Georgetown.

SEC. 9. That if said building be on any land lying outside the cities of Washington and Georgetown, and there is any contest as to the dimensions of the ground claimed to be subjected to the lien declared by this act, it shall be the duty of the court to issue an order to the surveyor of said district, or some other surveyor, to examine the

Survey.

said building, or the place at which said building is being or has been erected or repaired, and to make a report to the court, in which he shall sufficiently designate and describe by metes and bounds, and by a draught if necessary, the limits and extent of ground; and if approved by the court such report shall be conclusive upon all parties concerned; and the land so designated in such report shall, together with said buildings, be subjected to and charged with said lien.

SEC. 10. That whenever any person having a lien by virtue of the provisions of this act shall have received satisfaction for his claim and the cost of his proceedings therein, he shall, upon the request of any person interested, and upon the payment or tender of the costs of entering satisfaction, within two days after such payment or tender, enter satisfaction of his demand in the office of the clerk aforesaid;

Satisfaction, when to be entered.

And upon failure to do so he shall forfeit fifty dollars to the party aggrieved, and all damages which he may have sustained by reason of such failure or neglect.

— failure to enter.

SEC. 11. That in all proceedings under this act the defendant may file a written undertaking, with two or more sureties, to be approved by the court, to the effect that he and they will pay the judgment that may be recovered, and costs, which judgment shall be rendered against all persons so undertaking, and thereby release his property from the lien hereby created.

Discharge of lien by bond of defendant with sureties.

No such undertaking shall be approved by the court until the complainants shall have had at least two days' notice of the defendant's intention to apply to the court therefor, which notice shall give the names and residences of the persons to be offered as sureties, and the time when the motion for such approval will be made; and such sureties shall make oath, if required, that they are worth, over and above all debts and liabilities, double the amount of said lien.

The complainants, or any of them, may appear in open court and make their objection to such approval, or file in the office of the clerk of the court their or his objections in writing to such approval.

— complainants may object to bond.

If such undertaking be approved before the filing of the aforesaid bill in equity to enforce said lien, the said sureties shall be made parties thereto; and if after the filing of said bill, said sureties, upon the approval of said undertaking, shall ipso facto become parties thereto; and in either case the decree of the court shall run against them as well as the principal on such undertaking.

— sureties to be parties to bill in equity

SEC. 12. That any person or persons who shall furnish, at the request of the owner or his agent, materials to do any work on or labor in filling up any lot, or in erecting or constructing any wharf or other permanent fixtures thereon, or in dredging out the channel in front of any wharf, under contract with the owner or his agent, shall be entitled to enforce a lien therefor upon the lots or wharves.

Liens for filling lots, constructing wharf, or dredging channel.

SEC. 13. That any mechanic or artisan who shall make, alter, or repair any article of personal property, at the request of the owner, shall have a lien thereon for his just and reasonable charges for his work done and materials furnished, and he may retain the same in his possession until such charges shall be paid;

Lien on personal property; for making, altering, or repairing.

And if not paid at the end of six months after the work is done, he may proceed to sell the property at public auction, by giving notice once a week for three consecutive weeks in some daily newspaper published in the District of Columbia;

Sale.

And the proceeds of such sale shall be applied first in the discharge of such lien and the expense of selling such property, and the remainder, if any, shall be paid over to the owner thereof.

Proceeds.

SEC. 14. That so much and such parts of chapter twenty of the Revised Statutes relating to the District of Columbia, and all other acts and parts of acts inconsistent with the provisions of this act, be, and the same are hereby, repealed; and this act shall take effect from the date of its passage. [July 2, 1884.]

Repeal.

July 4, 1884.

23 Stat. L., 76.

CHAP. 180.—An act making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June thirtieth, eighteen hundred and eighty-five, and for other purposes.

Repeal of laws fixing salary of Indian agents.

R. S., § 2052.

Traveling allowances to special agents.

R. S., § 2067.

Sale of cattle of Indians to persons not members of same tribe prohibited.

R. S., §§ 2127, 2138.

Penalty.

Penalty for selling, donating, &c., liquors to Indians by persons in Army under any circumstances.

R. S., §§ 2139, 2190. 17 Fed. Rep., 75.

Homestead laws made applicable to Indians, &c.

R. S., §§ 2239, 2302.

1875, Mar. 3, ch. 131, § 15, *ante*, p. 78.1887, Feb. 8, ch. 119, *post*, p. 534.1891, Feb. 28, ch. 383, *post*, 897.

Lands to be held in trust by United States.

Officers and others presenting false vouchers to forfeit all claims, &c.

1874, June 22, ch. 389, and note, *ante*, p. 31.1875, March 3, ch. 132, § 10, *ante*, p. 81.

Be it enacted, &c. * * [Par. 1.] All provisions of law fixing compensation for Indian agents in excess of that herein provided are hereby repealed (1). * * *

[Par. 2.] That special agents shall be allowed three dollars per diem for traveling and incidental expenses while traveling or actually on duty in the field, exclusive of cost of transportation and sleeping-car fare (2). * * *

[Par. 3.] That where Indians are in possession or control of cattle or their increase which have been purchased by the Government such cattle shall not be sold to any person not a member of the tribe to which the owners of the cattle belong or to any citizen of the United States whether intermarried with the Indians or not except with the consent in writing of the agent of the tribe to which the owner or possessor of the cattle belongs.

And all sales made in violation of this provision shall be void and the offending purchaser on conviction thereof shall be fined not less than five hundred dollars and imprisoned not less than six months. * *

[Par. 4.] And no part of section twenty-one hundred and thirty-nine or of section twenty-one hundred and forty of the Revised Statutes shall be a bar to the prosecution of any officer, soldier, sutler or storekeeper, attache, or employe of the Army of the United States who shall barter, donate, or furnish in any manner whatsoever liquors, wines, beer, or any intoxicating beverage whatsoever to any Indian. * * *

[Par. 5.] That such Indians as may now be located on public lands, or as may, under the direction of the Secretary of the Interior, or otherwise, hereafter, so locate may avail themselves of the provisions of the homestead laws as fully and to the same extent as may now be done by citizens of the United States; and to aid such Indians in making selections of homesteads and the necessary proofs at the proper land offices, one thousand dollars, or so much thereof as may be necessary, is hereby appropriated; but no fees or commissions shall be charged on account of said entries or proofs.

All patents therefor shall be of the legal effect, and declare that the United States does and will hold the land thus entered for the period of twenty-five years, in trust for the sole use and benefit of the Indian by whom such entry shall have been made, or, in case of his decease, of his widow and heirs according to the laws of the State or Territory where such land is located, and that at the expiration of said period the United States will convey the same by patent to said Indian, or his widow and heirs as aforesaid, in fee, discharged of said trust and free of all charge or incumbrance whatsoever. * * *

SEC. 8. That any disbursing or other officer of the United States, or other person who shall knowingly present, or cause to be presented, any voucher, account, or claim to any officer of the United States, for approval or payment, or for the purpose of securing a credit in any account with the United States, relating to any matter pertaining to the Indian service, which shall contain any material misrepresentation of fact in regard to the amount due or paid, the name or character of the article furnished or received, or of the service rendered, or to the date of purchase, delivery, or performance of service,

NOTE.—(1) This provision is repeated in subsequent appropriation acts. The salaries provided for by this act for one year and made the limit thereafter are omitted because though apparently permanent, they are not so in fact. The salaries are annually rearranged in the appropriation acts, and thus vary from one year to another. 20 C. Cls., 166; 24 C. Cls., 432.

(2) Repeated 1885, March 3, ch. 341, 23 Stat. L., 364.

or in any other particular, shall not be entitled to payment or credit for any part of said voucher, account, or claim; and if any such credit shall be given or received, or payment made, the United States may recharge the same to the officer or person receiving the credit or payment, and recover the amount from either or from both, in the same manner as other debts due the United States are collected:

Provided, That where an account contains more than one voucher the foregoing shall apply only to such vouchers as contain the misrepresentation: — not to apply to other vouchers.

And provided further, That the officers and persons by and between whom the business is transacted shall, in all civil actions in settlement of accounts, be presumed to know the facts in relation to the matter set forth in the voucher, account, or claim: — presumed to know facts.

And provided further, That the foregoing shall be in addition to the penalties now prescribed by law, and in no way affect proceedings under existing law for like offenses. — to be in addition to penalties, &c. R. S., § 5438.

That where practicable this section shall be printed on the blank forms of vouchers provided for general use. — to be printed on vouchers.

SEC. 9. That hereafter each Indian agent be required, in his annual report, to submit a census of the Indians at his agency or upon the reservation under his charge, the number of males above eighteen years of age, the number of females above fourteen years of age, the number of school children between the ages of six and sixteen years, the number of school-houses at his agency, the number of schools in operation and the attendance at each, and the names of teachers employed and salaries paid such teachers. Indian agents to submit census in annual reports. R. S., § 2058.

SEC. 10. That no part of the expenses of the public lands service shall be deducted from the proceeds of Indian lands sold through the General Land Office, except as authorized by the treaty or agreement providing for the disposition of the lands. * * [July 4, 1884.] Expense of land service not chargeable to Indian lands. 110 U. S., 688.

CHAP. 181.—An act making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June thirtieth, eighteen hundred and eighty-five, and for other purposes.

July 4, 1884.
23 Stat. L., 98.

Be it enacted, &c. * *

That from and after July first eighteen hundred and eighty-four (1) agents for the payment of pensions shall receive only twelve dollars and fifty cents for each one hundred vouchers, or at that rate for a fraction of one hundred, prepared and paid by any agent in excess of four thousand vouchers per annum. * * Pension agents compensation. R. S., §§ 4781, 4782. 1885, March 3, ch. 340, par. 2, post, p. 482.

SEC. 2. That sections forty-seven hundred and sixty-eight, forty-seven hundred and sixty-nine, and forty-seven hundred and eighty-six of the Revised Statutes are hereby made applicable also to all cases hereafter filed with the Commissioner of Pensions, and to all cases so filed since June twentieth, eighteen hundred and seventy-eight, and which have not been heretofore allowed, except as hereinafter provided. Pension certificates to be sent to agent with contract for attorney's fee, which is to be paid and deducted. R. S., §§ 4768, 4769, 4786.

SEC. 3. That section forty-seven hundred and eighty-five of the Revised Statutes is hereby re-enacted and amended so as to read as follows:

“SEC. 4785. No agent or attorney or other person shall demand or receive any other compensation for his services in prosecuting a claim for pension or bounty land than such as the Commissioner of Pensions shall direct to be paid to him, not exceeding twenty-five dollars; nor shall such agent, attorney or other person demand or receive such compensation, in whole or in part, until such pension or bounty-land claim shall be allowed. * * [Words omitted are executed.] * * Fees of attorney for prosecuting pensions and bounty land not to exceed \$25. Substitute for R. S., § 4785.

NOTE.—(1) By 1885, March 3, ch. 340, par. 2, post, p. 482, pension agents are allowed a fixed salary and of the fees as above provided they are to receive only the actual expenses of the work.

Agreement for amount of fee to be filed.
Substitute for R. S., § 4786.

SEC. 4. That section forty-seven hundred and eighty-six of the Revised Statutes is hereby amended so as to read as follows:

“SEC. 4786. The agent or attorney of record in the prosecution of the case may cause to be filed with the Commissioner of Pensions, duplicate articles of agreement, without additional cost to the claimant, setting forth the fee agreed upon by the parties, which agreement shall be executed in the presence of and certified by some officer competent to administer oaths.

Without agreement to be only \$10.

In all cases where application is made for pension or bounty land, and no agreement is filed with the Commissioner as herein provided, the fee shall be ten dollars and no more.

Agreement recognized in certain claims;
Original.
New disability increase.
Restoration, when, &c.
Cases of special difficulty.

And such articles of agreement as may hereafter be filed with the Commissioner of Pensions are not authorized, nor will they be recognized except in claims for original pensions, claims for increase of pension on account of a new disability, in claims for restoration where a pensioner's name has been or may hereafter be dropped from the pension rolls on testimony taken by a special examiner, showing that the disability or cause of death, on account of which the pension was allowed, did not originate in the line of duty, and in cases of dependent relatives whose names have been or may hereafter be, dropped from the rolls on like testimony, upon the ground of non-dependence, and in such other cases of difficulty and trouble as the Commissioner of Pensions may see fit to recognize them:

Fee for claims under special acts and increase of pensions.
1891, March 3, ch. 548, § 1, post, p. 983.
None for arrears of pensions.
1879, Jan. 25, ch. 23, § 4, ante, p. 209.

Provided, That no greater fee than (2) ten dollars shall be demanded, received, or allowed in any claim for pension or bounty land granted by special act of Congress, nor in any claim for increase of pension on account of the increase of the disability for which the pension had been allowed:

And provided further, That no fee shall be demanded, received, or allowed in any claim for arrears of pension or arrears of increase of pension allowed by any act of Congress passed subsequent to the date of the allowance of the original claims in which such arrears of pension, or of increase of pension, may be allowed.

The articles of agreement herein provided for shall be in substance as follows, to wit:

Form of agreement.

ARTICLES OF AGREEMENT.

Whereas I, _____, late a _____ in company _____, of the _____ regiment of _____ volunteers, war of eighteen hundred and sixty-one (or, if the service be different, here state the same), having made application for pension under the laws of the United States:

Now, this agreement witnesseth, that for and in consideration of services done and to be done in the premises, I hereby agree to allow my attorney, _____ of _____, the fee of _____ dollars, which shall include all amounts to be paid for any service in furtherance of said claim; and said fee shall not be demanded by or payable to my said attorney (or attorneys), in whole or in part, except in case of the granting of my pension by the Commissioner of Pensions; and then the same shall be paid to him (or them) in accordance with the provisions of sections forty-seven hundred and sixty-eight and forty-seven hundred and sixty-nine of the Revised Statutes.

(Claimant's signature.)
(Two witnesses' signatures.)

STATE OF _____ }
County of _____ } ss.

Be it known that on this, the _____ day of _____, anno Domini eighteen hundred and eighty _____, personally appeared the above-named _____, who, after having had read over to _____, in the hearing and presence of the two attesting witnesses, the contents of the foregoing articles of agreement, voluntarily signed and acknowledged the same to be _____ free act and deed.

(Official signature.)

And now, to wit, this _____ day of _____, anno Domini eighteen hundred and eighty _____, I (or we) accept the provisions contained in the foregoing articles of

NOTE.—(2) Reduced to \$2 in pension (but not bounty-land) cases, by 1891, March 3, ch. 548, § 1, post, p. 983.

agreement, and will, to the best of my (or our) ability, endeavor faithfully to represent the interest of the claimant in the premises.

Witness my (or our) hand, the day and year first above written.

(Signature of Attorney.)

STATE OF _____ }
County of _____ } ss.

Personally came _____, whom I know to be the person he represents himself to be, and who, having signed above acceptance of agreement, acknowledged the same to be — free act and deed.

(Official signature.)

And if in the adjudication of any claim for pension in which such articles of agreement have been, or may hereafter be, filed, it shall appear that the claimant had, prior to the execution thereof, (3) paid to the attorney any sum for his services in such claim, and the amount so paid is not stipulated therein, then every such claim shall be adjudicated in the same manner as though no articles of agreement had been filed, deducting from the fee of ten dollars allowed by law such sum as claimant shall show that he has paid to his said attorney.

Any agent or attorney or other person instrumental in prosecuting any claim for pension or bounty land, who shall directly or indirectly contract for, demand or receive or retain any greater compensation for his services or instrumentality in prosecuting a claim for pension or bounty land than is herein provided, or for payment thereof at any other time or in any other manner than is herein provided, or who shall wrongfully withhold from a pensioner or claimant the whole or any part of the pension or claim allowed and due such pensioner or claimant, or the land warrant issued to any such claimant, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall for every such offense be fined not exceeding five hundred dollars, or imprisoned at hard labor not exceeding two years, or both, in the discretion of the court.

SEC. 5. That the Secretary of the Interior may prescribe rules and regulations governing the recognition of agents, attorneys, or other persons representing claimants before his department, and may require of such persons, agents, and attorneys, before being recognized as representatives of claimants, that they shall show that they are of good moral character and in good repute, possessed of the necessary qualifications to enable them to render such claimants valuable service, and otherwise competent to advise and assist such claimants in the presentation of their claims and such Secretary may, after notice and opportunity for a hearing, suspend or exclude from further practice before his department any such person, agent or attorney shown to be incompetent, disreputable, or who refuses to comply with the said rules and regulations, or who shall with intent to defraud in any manner deceive, mislead, or threaten any claimant, or prospective claimant, by word, circular, letter, or by advertisement.

SEC. 6. The Commissioner shall have power, subject to review by the Secretary, to reject or refuse to recognize any contract for fees, herein provided for, whenever it shall be made to appear that any undue advantage has been taken of the claimant in respect to such contract. [July 4, 1884.]

NOTE.—(3) Such payments might have been made under the act of 1878, June 20, ch. 307 (20 Stat. L., 243). That act, having been repealed by a provision in § 1 of the above act (23 Stat. L., 99), is omitted from the volume, as is also the repeal.

Fees when payments have been made to attorney before agreement.

Penalty for violation of provisions relating to fees.

R. S., § 5485.

Sec'y of Interior to prescribe rules for government of agents and attorneys in prosecuting claims.

R. S., §§ 487, 3478, 3479.

1884, July 7, ch. 334, § 3, *post*, p. 470.

14 Howard, 575.

Commissioner may reject contracts for fees, if undue advantage taken.

CHAP. 214.—An act to provide for the disposal of abandoned and useless military reservations.

July 5, 1884.

23 Stat. L., 103.

Be it enacted, &c., That whenever, in the opinion of the President of the United States, the lands, or any portion of them, included within the limits of any military reservation heretofore or here-

Sale, &c., of abandoned and useless military

reservations authorized.

R. S., §§ 2258, 2393.

1890, Oct. 1, ch. 1239, *post*, p. 811.

Survey, subdivision, appraisal, sale, &c.

1891, March 3, ch. 561, § 9, *post*, p. 943.

after declared, have become or shall become useless for military purposes, he shall cause the same or so much thereof as he may designate, to be placed under the control of the Secretary of the Interior for disposition as hereinafter provided, and shall cause to be filed with the Secretary of the Interior a notice thereof.

SEC. 2. That the Secretary of the Interior may, if in his opinion the public interests so require, cause the said lands, or any part thereof, in such reservations, to be regularly surveyed, or to be subdivided into tracts of less than forty acres each, and into town lots, or either, or both.

He shall cause the said lands so surveyed and subdivided, and each tract thereof, to be appraised by three competent and disinterested men to be appointed by him, and who shall, after having each been first duly sworn to impartially and faithfully execute the trust reposed in them, appraise the said lands, subdivisions, and tracts, and each of them and report their proceedings to the Secretary of the Interior for his action thereon.

If such appraisement be disapproved, the Secretary of the Interior shall again cause the said lands to be appraised as before provided; and when the appraisement has been approved he shall cause the said lands, subdivisions, and lots to be sold at public sale, to the highest bidder for cash, at not less than the appraised value thereof, nor less than one dollar and twenty-five cents per acre, first having given not less than sixty days' public notice of the time, place, and terms of sale, immediately prior to such sale, by publication in at least two newspapers having a general circulation in the country or section of county where the lands to be sold are situate; and any lands, subdivisions, or lots remaining unsold may be reoffered for sale at any subsequent time in the same manner, at the discretion of the Secretary of the Interior; and if not sold at such second offering for want of bidders, then the Secretary of the Interior may sell the same at private sale, for cash, at not less than the appraised value, nor less than one dollar and twenty-five cents per acre:

Rights of actual settlers.

Provided, That any settler who was in actual occupation of any portion of any such reservations prior to the location of such reservation, or settled thereon prior to January first, eighteen hundred and eighty-four, in good faith for the purpose of securing a home and of entering the same under the general laws and has continued in such occupation to the present time, and is by law entitled to make a homestead entry shall be entitled to enter the land so occupied, not exceeding one hundred and sixty acres in a body, according to the Government surveys and subdivisions:

Provided further, That said lands were subject to entry under the public land laws at the time of their withdrawal:

— at Fort Lyon military reservation.

1890, Oct. 1, ch. 1240 (26 Stat. L., 561.)

And provided further, That all patents heretofore issued, and approved State selections, covering any lands within the (1) old Fort Lyon Military Reservation, in the State of Colorado, declared by executive order of August eighth, eighteen hundred and sixty-three, are hereby confirmed; and the rights of all entrymen and settlers on said reservation to acquire title under the homestead, pre-emption, or timber culture laws are hereby recognized and affirmed to the extent they would have attached had public lands been settled upon or entered;

And such portions of said reservation as shall not have been entered or settled upon as aforesaid shall be disposed of by the Secretary of the Interior under the provisions of this act, including lands that may be abandoned by settlers or entrymen.

Buildings, &c., on reservations to be sold.

SEC. 3. That the Secretary of the Interior shall cause any improvements, buildings, building materials, and other property which may be situate upon any such lands, subdivisions or lots not heretofore sold by the United States authorities, to be appraised in the same manner as hereinbefore provided for the appraisements of such lands,

NOTE.—(1) The act noted in the margin relating to the reservation named in the text, is not contained in this volume because of local application only.

subdivisions, and lots, and shall cause the same, together with the tract or lot upon which they are situate, to be sold at public sale, to the highest bidder for cash, at not less than the appraised value of such land and improvements, first giving the sixty days' notice as hereinbefore provided; or he may, in his discretion, cause the improvements to be sold separately, at public sale for cash, at not less than the appraised value, to be removed by the purchaser within such time as may be prescribed, first giving the sixty days' public notice before provided; and if in any case the lands and improvements, or the improvements separately, as the case may be, are not sold for want of bidders, then the Secretary of the Interior may, in his discretion, cause the same to be reoffered for sale, at any subsequent time, in the same manner as above provided, or may cause the same to be sold at private sale for not less than the appraised value:

Provided, That where buildings or improvements have been heretofore sold by the United States authorities the land upon which such buildings or improvements are situate not exceeding the smallest subdivision or lot provided for by this act upon the reservation on which said buildings are situate shall be offered for sale to the purchaser of said improvements and buildings at the appraised value of the lands and if said purchaser shall fail for sixty days after notice to complete said purchase of lands the same shall be sold under the provisions of this act:

And provided further That the proceeds of the military reservation lands sold on Bois Blanc Island near to (2) Fort Mackinaw military reservation shall be set apart as a separate fund for the improvement of the National Park on the Island of Mackinaw Michigan under the direction of the Secretary of War.

SEC. 4. That the provisions of the act of August eighteenth, eighteen hundred and fifty-six, relative to military reservations in the State of Florida, and the sixth section of the act of June twelfth, eighteen hundred and fifty-eight, relative to the sale of military sites be, and the same are hereby, repealed.

SEC. 5. Whenever any lands containing valuable mineral deposits shall be vacated by the reduction or abandonment of any military reservation under the provisions of this act, the same shall be disposed of exclusively under the mineral land laws of the United States.

SEC. 6. The Secretary of War shall have authority, in his discretion, to permit the extension of State, county, and Territorial roads across military reservations; to permit the landing of ferries, the erection of bridges thereon; and permit cattle, sheep or other stock animals to be driven across such reservation, whenever in his judgment the same can be done without injury to the reservation or inconvenience to the military forces stationed thereon. [July 5, 1884.]

NOTE.—(2) The act noted in the margin, relating to the reservation named in the text, is not contained in this volume because of local application only.

Lands to be first offered to owners of improvements.

Proceeds of sale of lands on Bois Blanc Island set apart for National Park.

1875, Mar. 3, ch. 191 (18 Stat. L., 517).

Repeal of laws relating to reservations in Florida.

(11 Stat. L., 87, 336). Mineral lands of reservations to be disposed of under mineral land laws.

R. S., §§ 2318-2352. Privileges of extending roads, erecting bridges, &c., on reservations

CHAP. 217.—An act making appropriations for the support of the Army for the fiscal year ending June thirtieth, eighteen hundred and eighty-five, and for other purposes.

July 5, 1884.

23 Stat. L., 107.

Be it enacted, &c. * * [Par. 1.] That hereafter any paymaster of the rank of major who has served twenty years in the United States Army as commissioned officer may, upon his own application or by direction of the President, be placed upon the retired-list of the Army, until the Pay Department shall be reduced to thirty-five members, as follows:

One Paymaster-General, with the rank of brigadier-general;
Two assistant paymasters-general, with the rank of colonel;

Pay department of Army reduced to 35 members.

R. S., §§ 1182-1190.

1882, June 30, ch. 254, par. 2, ante, p. 348.

1876, July 22, ch. 222, ante, p. 113.

Three deputy paymasters-general, with the rank of lieutenant-colonel,

And twenty-nine paymasters, with the rank of major; and no more appointments of paymasters shall be made in the Pay Department until the number shall be reduced below twenty-nine majors,

And thereafter the number of officers in the Pay Department shall not exceed thirty-five:

Provided further, That nothing herein shall be construed to change the present relative rank of any officer now in the pay corps. * *

Subsistence supplies to be sold at cost.

R. S., §§ 1144, 1145, 1149.

1875, March 3, ch. 131, § 1, *ante*, p. 77.

Provisions concerning purchase of supplies by Quartermaster and Commissary Departments.

R. S., §§ 1141, 3709, 3714, 3716.

1888, Sept. 22, ch. 1027, par. 1, *post*, p. 619.

Report of purchase of supplies to be made to Secretary of War.

Number of draught and pack animals limited.

1888, Sept. 22, Transportation to be by contract.

Post quartermaster sergeants, number, appointment, qualification, duty and pay.

R. S., § 1132.

Purchase of horses for cavalry, artillery, and Indian scouts; how made.

R. S., §§ 1133, 3709.

[*Par. 2.*] That hereafter all sales of subsistence supplies to officers and enlisted men shall be made at cost price only; and the cost price of each article shall be understood, in all cases of such sales, to be the invoice price of the last lot of that article received by the officer making the sale prior to the first day of the month in which the sale is made.

[*Par. 3.*] That hereafter all purchases of regular and miscellaneous supplies for the Army furnished by the Quartermaster's Department and by the Commissary Department for immediate use shall be made by the officers of such Department, under direction of the Secretary of War, at the places nearest the points where they are needed, the conditions of cost and quality being equal:

Provided also, That all purchases of said supplies, except in cases of emergency, which must be at once reported to the Secretary of War for his approval, shall be made by contract after public notice of not less than ten days for small amounts for immediate use, and of not less than from thirty to sixty days whenever, in the opinion of the Secretary of War, the circumstances of the case and conditions of the service shall warrant such extension of time. The award in every case shall be made to the lowest responsible bidder for the best and most suitable article, the right being reserved to reject any and all bids.

The Quartermaster-General and the Commissary General of Subsistence shall report promptly all purchases of supplies made by his Department, with their cost-price and place of delivery, to the Secretary of War, for transmission to Congress annually:

Provided further, That in time of peace the number of draught and pack animals in the Quartermaster's Department of the Army shall not exceed six thousand,

ch. 1027, par. 2, *post*, p. 619.

And that all transportation of stores by private parties for the Army shall be done by contract, after due legal advertisement, except in cases of emergency, which must be at once reported to the Secretary of War for his approval.

That the Secretary of War is authorized to appoint, on the recommendation of the Quartermaster-General, as many post quartermaster sergeants, not to exceed eighty, as he may deem necessary for the interests of the service, said sergeants to be selected by examination from the most competent enlisted men of the Army who have served at least four years, and whose character and education shall fit them to take charge of public property and to act as clerks and assistants to post and other quartermasters.

Said post quartermaster sergeants shall, so far as practicable, perform the duties of storekeepers and clerks in lieu of citizen employees.

The post quartermaster sergeants shall be subject to the rules and articles of war and shall receive for their services the same pay and allowances as ordnance sergeants. * *

[*Par. 4.*] That hereafter all purchases of horses under appropriations for horses for the cavalry and artillery and for the Indian scouts shall be made by contract, after legal advertisement, by the Quartermaster's Department, under instructions of the Secretary of War, the horses to be inspected under the orders of the General commanding the Army; and no horse shall be received and paid for

until duly inspected. The Quartermaster-General shall report to the Secretary of War promptly, for transmission to Congress annually, all purchases and contracts for horses, mules, and military supplies for the Army made by his Department. * * —report to Congress.

[Par. 5.] That hereafter all purchases of horses, mules, or oxen, wagons, carts, drays, ships and other seagoing vessels, also all other means of transportation, shall be made by the Quartermaster's Department, by contract, after due legal advertisement except in cases of extreme emergency; Purchase of horses, carts, ves- sels, &c., for trans- portation made by contract. R. S., §§ 1183, 3709.

And hereafter all purchases and contracts of every kind made by the Quartermaster's Department shall be promptly reported to the Secretary of War, for transmission annually to Congress: —report to Con- gress.

Provided also, That hereafter the Quartermaster-General and his officers, under his instructions, wherever stationed, shall receive, transport, and be responsible for all property turned over to them, or any one of them, by the officers or agents of any Government survey, for the National Museum, or for the civil or naval departments of the Government, in Washington or elsewhere, under the regula- tions governing the transportation of Army supplies, the amount paid for such transportation to be refunded or paid by the Bureau to which such property or stores pertain. * * 1889, March 2, ch. 372, par. 2, post, p. 679. Property for civil and naval service, &c., to be transported by officers of Quar- termaster Depart- ment, &c. R. S., § 1183.

[Par. 6.] That officers of the Medical Department shall take rank and precedence in accordance with date of commission or appoint- ment, and shall be so borne on the official Army Register: Medical officers: rank and prece- dence of. R. S., § 1219.

Provided, That the medical officers of the Army and contract sur- geons shall whenever practicable attend the families of the officers and soldiers free of charge. * * — to attend fami- lies of officers and soldiers free.

[Par. 7.] That hereafter all officers, agents, or other persons re- ceiving public moneys appropriated by this or any subsequent Army appropriation act shall account for the disbursement thereof accord- ing to the several and distinct items of appropriation expressed in such act. [July 5, 1884.] Account of dis- bursements to be by distinct items, &c. R. S., §§ 193, 3623, 3678. 1874, Apr. 20, ch. 117, ante, p. 9.

CHAP. 218.—An act to consolidate the Bureau of Military Justice and the corps of judge-advocates of the Army, and for other purposes.

July 5, 1884.

Be it enacted, &c., That the Bureau of Military Justice and the corps of judge-advocates of the Army be, and the same are hereby, consolidated under the title of Judge Advocate-General's Depart- ment of Army; and shall consist of 23 Stat. L., 113. Judge-Advocate General's Depart- ment of Army; how constituted.

One Judge-Advocate-General, with the rank, pay, and allowances of a brigadier-general; R. S., §§ 1094, 1198, 1200.

One assistant judge-advocate-general, with the rank, pay, and allowances of a colonel;

Three deputy judge-advocate-generals, with the rank, pay, and allowances of lieutenant-colonels;

And three judge-advocates, with the rank, pay, and allowances of majors;

The colonel and lieutenant-colonels to be selected by seniority from the present corps of judge-advocates.

And the Secretary of War is hereby authorized to detail such number of officers of the line as he may deem necessary to serve as acting judge-advocates of military departments, who shall have while on such duty the rank, pay, and allowances of captains of cavalry. Acting judge- advocates; how detailed.

SEC. 2. Promotions in the Judge-Advocate-General's Department, as provided in the first section of this act, shall be by seniority up to and including the rank of colonel. Promotions.

SEC. 3. That nothing herein shall be construed to interfere with the rank or position of any officer now holding a commission in either the Bureau of Military Justice or corps of judge-advocates. [July 5, 1884.] Present rank.

July 5, 1884.

23 Stat. L., 115.

Immigration of Chinese laborers suspended for ten years.

R. S., §§ 2158-2164.

1875, March 3, ch. 141, *ante*, p. 86.

Substitute for 1882, March 6, ch. 126, § 1 (22 Stat. L., 58).

Penalties for violations of act.

Substitute for 1882, May 6, ch. 126, § 2 (22 Stat. L., 58)

Exemptions from above provisions.

Substitute for 1882, May 6, ch. 126, § 3 (22 Stat. L., 58).

Treaty, 1880, Nov. 17 (22 Stat. L., 826).

14 Fed. Rep., 44.
23 Fed. Rep., 441.
18 Fed. Rep., 506.

Chinese laborers in United States; how identified.

Substitute for 1882, May 6, ch. 126, § 4 (22 Stat. L., 58).

1888, Oct. 1, ch. 1064, *post*, p. 625.
19 Fed. Rep., 185, 491.

—list, &c., to be made and kept in custom-house.

CHAP. 220.—An act to amend an act entitled "An act to execute certain treaty stipulations relating to Chinese approved May sixth eighteen hundred and eighty-two" (1).

Be it enacted, &c., That section one of the act entitled (2) "An act to execute certain treaty stipulations relating to Chinese" approved May sixth eighteen hundred and eighty-two, is hereby amended so as to read as follows:

Whereas in the opinion of the Government of the United States the coming of Chinese laborers to this country endangers the good order of certain localities within the territory thereof; Therefore

"*Be it enacted, &c.*, That from and after the passage of this act, and until the expiration of ten years next after the passage of this act, the coming of Chinese laborers to the United States be, and the same is hereby, suspended, and during such suspension it shall not be lawful for any Chinese laborer to come from any foreign port or place, or having so come to remain within the United States,"

Section two of said act is hereby amended so as to read as follows:

"SEC. 2. That the master of any vessel who shall knowingly bring within the United States on such vessel, and land, or attempt to land, or permit to be landed any Chinese laborer, from any foreign port or place, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine of not more than five hundred dollars for each and every such Chinese laborer so brought, and may also be imprisoned for a term not exceeding one year."

Section three of said act is hereby amended so as to read as follows:

SEC. 3. That the two foregoing sections shall not apply to Chinese laborers who were in the United States on the seventeenth day of November, eighteen hundred and eighty, or who shall have come into the same before the expiration of ninety days next after the passage of the act to which this act is amendatory, nor shall said sections apply to Chinese laborers, who shall produce to such master before going on board such vessel, and shall produce to the collector of the port in the United States at which such vessel shall arrive, the evidence hereinafter in this act required of his being one of the laborers in this section mentioned;

Nor shall the two foregoing sections apply to the case of any master whose vessel, being bound to a port not within the United States, shall come within the jurisdiction of the United States by reason of being in distress or in stress of weather, or touching at any port of the United States on its voyage to any foreign port or place:

Provided: That all Chinese laborers brought on such vessel shall not be permitted to land except in case of absolute necessity, and must depart with the vessel on leaving port."

Section four of said act is hereby amended so as to read as follows:

"SEC. 4. That for the purpose of properly identifying Chinese laborers who were in the United States on the seventeenth day of November, eighteen hundred and eighty, or who shall have come into the same before the expiration of ninety days next after the passage of the act to which this act is amendatory, and in order to furnish them with the proper evidence of their right to go from and come to the United States as provided by the said act and the treaty between the United States and China dated November seventeenth, eighteen hundred and eighty, the collector of customs of the district from which any such Chinese laborer shall depart from the United States shall, in person or by deputy, go on board each vessel having on board any such Chinese laborer, and cleared or about to sail from his district for a foreign port,

And on such vessel make a list of all such Chinese laborers, which shall be entered in registry-books, to be kept for that purpose in which shall be stated the individual, family, and tribal name in full, the age, occupation, when and where followed, last place of resi-

NOTE.—(1) For acts relating to Chinese immigration, see note to 1888, Oct. 1 ch. 1064, *post*, p. 625
(2) See parts of this act remaining in force, *ante*, p. 342.

dence, physical marks or peculiarities, and all facts necessary for the identification of each of such Chinese laborers, which books shall be safely kept in the custom-house;

And every such Chinese laborer so departing from the United States shall be entitled to and shall receive, free of any charge or cost upon application therefor, from the collector or his deputy, in the name of said collector and attested by said collector's seal of office, at the time such list is taken, a certificate, signed by the collector or his deputy and attested by his seal of office, in such form as the Secretary of the Treasury shall prescribe, which certificate shall contain a statement of the individual, family, and tribal name in full, age, occupation, when and where followed, of the Chinese laborer to whom the certificate is issued, corresponding with the said list and registry in all particulars.

In case any Chinese laborer, after having received such certificate, shall leave such vessel before her departure, he shall deliver his certificate to the master of the vessel; and if such Chinese laborer shall fail to return to such vessel before her departure from port, the certificate shall be delivered by the master to the collector of customs for cancellation.

The certificate herein provided for shall entitle the Chinese laborer to whom the same is issued to return to and re-enter the United States upon producing and delivering the same to the collector of customs of the district at which such Chinese laborer shall seek to re-enter, and said certificate shall be the only evidence permissible to establish his right of re-entry; and upon delivering of such certificate by such Chinese laborer to the collector of customs at the time of re-entry in the United States, said collector shall cause the same to be filed in the custom-house and duly canceled."

Section six of said act is hereby amended so as to read as follows:

SEC. 6. That in order to the faithful execution of the provisions of this act, every Chinese person, other than a laborer, who may be entitled by said treaty or this act to come within the United States, and who shall be about to come to the United States, shall obtain the permission of and be identified as so entitled by the Chinese Government, or of such other foreign Government of which at the time such Chinese person shall be a subject, in each case to be evidenced by a certificate issued by such Government, which certificate shall be in the English language, and shall show such permission, with the name of the permitted person in his or her proper signature, and which certificate shall state the individual, family, and tribal name in full, title or official rank, if any, the age, height, and all physical peculiarities, former and present occupation or profession, when and where and how long pursued, and place of residence of the person to whom the certificate is issued, and that such person is entitled by this act to come within the United States.

If the person so applying for a certificate shall be a merchant, said certificate shall, in addition to above requirements, state the nature, character, and estimated value of the business carried on by him prior to and at the time of his application as aforesaid:

Provided, That nothing in this act nor in said treaty shall be construed as embracing within the meaning of the word 'merchant,' hucksters, peddlers, or those engaged in taking, drying, or otherwise preserving shell or other fish for home consumption or exportation.

If the certificate be sought for the purpose of travel for curiosity, it shall also state whether the applicant intends to pass through or travel within the United States, together with his financial standing in the country from which such certificate is desired.

The certificate provided for in this act, and the identity of the person named therein shall, before such person goes on board any vessel to proceed to the United States, be vided by the indorsement of the diplomatic representatives of the United States in the foreign

—upon leaving to have certificate entitling to return.
124 U. S., 621.

Certificate; how forfeited.

—privileges of.

Certificate from Chinese Government identifying others than laborers, what to state.

Substitute for
1882, May 6, ch. 126, § 6 (22 Stat. L., 59).

13 Fed. Rep., 605.
22 Fed. Rep., 519.
23 Fed. Rep., 329.

18 Opins., 542.

"Merchant" defined.

Certificate, when, for travel for curiosity what to state.

—indorsement of by diplomatic representatives of U. S. abroad.

country from which said certificate issues, or of the consular representative of the United States at the port or place from which the person named in the certificate is about to depart; and such diplomatic representative or consular representative whose indorsement is so required is hereby empowered, and it shall be his duty, before indorsing such certificate as aforesaid, to examine into the truth of the statements set forth in said certificate, and if he shall find upon examination that said or any of the statements therein contained are untrue it shall be his duty to refuse to indorse the same.

— when and how far may be evidence.

Such certificate vised as aforesaid shall be prima facie evidence of the facts set forth therein, and shall be produced to the collector of customs of the port in the district in the United States at which the person named therein shall arrive, and afterward produced to the proper authorities of the United States whenever lawfully demanded, and shall be the sole evidence permissible on the part of the person so producing the same to establish a right of entry into the United States;

But said certificate may be controverted and the facts therein stated disproved by the United States authorities."

Section eight of said act is hereby amended so as to read as follows:

Lists of Chinese passengers on vessels arriving to be delivered by masters to collector of customs.
13 Fed. Rep., 286, 291.

SEC. 8. That the master of any vessel arriving in the United States from any foreign port or place shall, at the same time he delivers a manifest of the cargo, and if there be no cargo, then at the time of making a report of the entry of the vessel pursuant to law, in addition to the other matter required to be reported, and before landing, or permitting to land, any Chinese passengers, deliver and report to the collector of customs of the district in which such vessels shall have arrived a separate list of all Chinese passengers taken on board his vessel at any foreign port or place, and all such passengers on board the vessel at that time,

Substitute for 1882, May 6, ch. 126, § 8 (22 Stat. L., 59).

Such list shall show the names of such passengers (and if accredited officers of the Chinese or of any other foreign Government, traveling on the business of that Government, or their servants, with a note of such facts), and the names and other particulars as shown by their respective certificates; and such list shall be sworn to by the master in the manner required by law in relation to the manifest of the cargo.

Penalty for failure.

Any refusal or wilful neglect of any such master to comply with the provisions of this section shall incur the same penalties and forfeiture as are provided for a refusal or neglect to report and deliver a manifest of the cargo."

Forfeiture of vessel violating provisions.

Section ten of said act is hereby amended so as to read as follows:

R. S., §§ 563, par. 3, 629, par. 5.

SEC. 10. That every vessel whose master shall knowingly violate any of the provisions of this act shall be deemed forfeited to the United States, and shall be liable to seizure and condemnation in any district of the United States into which such vessel may enter or in which she may be found."

Substitute for 1882, May 6, ch. 126, § 10 (22 Stat. L., 61).

Section eleven of said act is hereby amended so as to read as follows:

Penalty for unlawfully bringing in immigrants.

"SEC. 11. That any person who shall knowingly bring into or cause to be brought into the United States by land, or who shall aid or abet the same, or aid or abet the landing in the United States from any vessel, of any Chinese person not lawfully entitled to enter the United States, shall be deemed guilty of a misdemeanor, and shall on conviction thereof, be fined in a sum not exceeding one thousand Dollars, and imprisoned for a term not exceeding one year

Substitute for 1882 May 6, ch. 126, § 11 (22 Stat. L., 61).

Section twelve of said act is hereby amended so as to read as follows."

Chinese not to enter U. S. without certificates, and when found here to be removed.

"SEC 12 That no Chinese person shall be permitted to enter the United States by land without producing to the proper officer of customs the certificate in this act required of Chinese persons seeking to land from a vessel.

And any Chinese person found unlawfully within the United States shall be caused to be removed therefrom to the country from whence he came, and at the cost of the United States, after being brought before some justice, judge, or commissioner of a court of the United States and found to be one not lawfully entitled to be or to remain in the United States;

And in all such cases the person who brought or aided in bringing such person to the United States shall be liable to the Government of the United States for all necessary expenses incurred in such investigation and removal; and all peace officers of the several States and Territories of the United States are hereby invested with the same authority as a marshal or United States marshal in reference to carrying out the provisions of this act or the act of which this is amendatory, as a marshal or deputy marshal of the United States, and shall be entitled to like compensation to be audited and paid by the same officers.

And the United States shall pay all costs and charges for the maintenance and return of any Chinese person having the certificate prescribed by law as entitling such Chinese person to come into the United States who may not have been permitted to land from any vessel by reason of any of the provisions of this act."

Section thirteen of said act is hereby amended so as to read as follows

SEC 13 That this act shall not apply to diplomatic and other officers of the Chinese or other Governments traveling upon the business of that Government, whose credentials shall be taken as equivalent to the certificate in this act mentioned, and shall exempt them and their body and household servants from the provisions of this act as to other Chinese persons"

Section fifteen of said act is hereby amended so as to read as follows

"SEC 15 That the provisions of this act shall apply to all subjects of China and Chinese, whether subjects of China or any other foreign power;

And the words Chinese laborers, wherever used in this act shall be construed to mean both skilled and unskilled laborers and Chinese employed in mining

SEC 16 That any violation of any of the provisions of this act, or of the act of which this amendatory, the punishment of which is not otherwise herein provided for, shall be deemed a misdemeanor, and shall be punishable by a fine not exceeding one thousand dollars, or by imprisonment for not more than one year, or both such fine and imprisonment

SEC 17. [*Relates to pending cases.*] [July 5, 1884.]

1882, May 6, ch. 126, § 12 (22 Stat. L., 61).

—cost of removal; duties and pay of officers.

14 Fed. Rep., 44.
21 Fed. Rep., 393.

24 C. Cls., 118.

United States to pay costs, charges, &c., when.

Act not to apply to officers, &c., of Chinese government.

Substitute for 1882, May 6, ch. 126, § 13 (22 Stat. L., 61).

—to all Chinese. Substitute for 1882, May 6, ch. 126, § 15 (22 Stat. L., 61).

"Chinese laborers" defined.

Violation to constitute misdemeanor.

CHAP. 221.—An act to constitute a Bureau of Navigation in the Treasury Department.

July 5, 1884.

23 Stat. L., 118.

Be it enacted, &c. That there shall be in the Department of the Treasury of the United States a Bureau of Navigation, under the immediate charge of a Commissioner of Navigation.

SEC. 2. That the Commissioner of Navigation, under the direction of the Secretary of the Treasury, shall have general superintendence of the commercial marine and merchant seamen of the United States, so far as vessels and seamen are not, under existing laws, subject to the supervision of any other officer of the Government.

He shall be specially charged with the decision of all questions relating to the issue of registers, enrollments, and licenses of vessels, and to the filing and preserving of those documents;

Commissioner of Navigation,—duties.

Bureau of Navigation established.

—documents, relating to registry, &c., of vessels to be in keeping of.

R. S., §§ 3133, 4131 - 4196, 4311-4399.

—duties of.

18 Opins., 197.

—to publish annually list of vessels, &c.

R. S., § 340, 1875, March 3, ch. 129, par. 5, ante, p. 71.

—to report to Secretary of Treasury.

—may change names of vessels.

1881, Mar. 2, ch. 107, ante, p. 320.

—appointment and salary of.

Deputy commissioner and clerks.

When act takes effect.

And wherever in title forty-eight or fifty of the Revised Statutes any of the above-named documents are required to be surrendered or returned to the Register of the Treasury, such requirement is hereby repealed, and such documents shall be surrendered and returned to the Commissioner of Navigation.

Said Commissioner shall have charge of all similar documents now in the keeping of the Register of the Treasury, and shall perform all the duties hitherto devolved upon said Register relating to navigation.

SEC. 3. That the Commissioner of Navigation shall be charged with the supervision of the laws relating to the admeasurement of vessels, and the assigning of signal letters thereto, and of designating their official number; and on all questions of interpretation growing out of the execution of the laws relating to these subjects, and relating to the collection of tonnage tax, and to the refund of such tax when collected erroneously or illegally, his decision shall be final.

SEC. 4. That the Commissioner of Navigation shall annually prepare and publish a list of vessels of the United States belonging to the commercial marine, specifying the official number, signal letters, names, rig, tonnage, home port, and place and date of building of every vessel, distinguishing in such list sailing-vessels from such as may be propelled by steam or other motive power.

He shall also report annually to the Secretary of the Treasury the increase of vessels of the United States, by building or otherwise, specifying their number, rig, and motive power. He shall also investigate the operations of the laws relative to navigation, and annually report to the Secretary of the Treasury such particulars as may, in his judgment, admit of improvement or may require amendment.

SEC. 5. That the Commissioner of Navigation shall, under the direction of the Secretary of the Treasury, be empowered to change the names of vessels of the United States, under such restrictions as may have been or shall be prescribed by act of Congress.

SEC. 6. That the Commissioner of Navigation shall be appointed by the President of the United States, by and with the advice and consent of the Senate, and shall receive a salary of four thousand dollars per annum.

And the Secretary of the Treasury shall have power to transfer from existing Bureaus or divisions of the Treasury one clerk, to be designated as deputy commissioner of navigation, to act with the full powers of said Commissioner during his temporary absence from his official duty for any cause, and such additional clerks as he may consider necessary to the successful operation of the Bureau of Navigation, without impairing the efficiency of the Bureaus or divisions whence such clerks may be transferred.

SEC. 7. That this act shall be in force and take effect on and after July first, eighteen hundred and eighty-four. [July 5, 1884.]

July 5, 1884.

23 Stat. L., 120.

CHAP. 223.—An act to authorize the location of a branch home for disabled volunteer soldiers and sailors in either the State of Arkansas, Colorado, Kansas, Iowa, Minnesota, Missouri or Nebraska, and for other purposes.

Branch home for disabled volunteer soldiers and sailors.

R. S., §§ 4825-4837.

1887, March 2, ch. 316, post, p. 553.

Be it enacted, &c., That the Board of Managers of the Home for Disabled Volunteer Soldiers are hereby authorized and directed to locate a branch of the home at some suitable point in either the States of Arkansas, Colorado, Kansas, Iowa, Minnesota, Missouri, or Nebraska. The same shall not be located on a tract of land less than three hundred and twenty acres in extent. (1)

NOTE.—(1) Located at Leavenworth, Kansas.

SEC. 2. That said branch home shall be located and the ground purchased, unless the same be donated, by said Board of Managers within three months, or as soon thereafter as practicable from the approval of this act :

Provided, That said Board of Managers may select any Government property suitable for such home, by and with the consent of the Secretary of War.

SEC. 3. That within six months, or as soon thereafter as practicable, from the approval of this act, the said Board of Managers shall commence the erection of a suitable building or buildings on the ground so purchased for the use of said branch home. That said building or buildings shall be completed at as early a day as possible.

SEC. 4. [*Makes appropriation.*]

SEC. 5. That all honorably discharged soldiers and sailors who served in the war of the rebellion, and the volunteer soldiers and sailors of the war eighteen hundred and twelve and of the Mexican war, who are disabled by age, disease or otherwise, and by reason of such disability are incapable of earning a living, shall be admitted into the home for disabled volunteer soldiers.

Provided such disability was not incurred in service against the United States.

SEC. 6. [*Executed.*] * * [July 5, 1884.]

1888, July 23, ch. 695, *post*, p. 599.
Board of Managers to select site.

—within six months, &c.

Persons eligible to admission.

1875, March 3, ch. 129, par. 6 and note, *ante*, p. 71. 1888, Aug. 27, ch. 914, *post*, p. 617; 1890, June 27, ch. 634, § 1, *post*, p. 760.

CHAP. 224.—An act to amend article seventy two of the Rules and Articles of War.

July 5, 1884.

Be it enacted, &c., That article seventy two of the Articles of War be, and the same is hereby, amended to read as follows

“ART. 72. Any general officer commanding an army, a Territorial Division or a Department, or colonel commanding a separate Department may appoint general courts martial whenever necessary.

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. [July 5, 1884.]

23 Stat. L., 121.

General courts martial, by whom may be appointed.

Substitute for R. S., § 1342, art. 72.

122 U. S., 543.

157 U. S., 673.

CHAP. 225.—An act to limit the time within which prosecutions may be instituted against persons charged with violating internal revenue laws.

July 5, 1884.

Be it enacted, &c., That no person shall be prosecuted, tried or punished for any of the various offenses arising under the internal revenue laws of the United States unless the indictment is found or the information instituted within three years next after the commission of the offense, in all cases where the penalty prescribed may be imprisonment in the penitentiary, and within two years in all other cases :

Provided, That the time during which the person committing the offense is absent from the district wherein the same is committed shall not be taken as any part of the time limited by law for the commencement of such proceedings ;

Provided further that the provisions of this act shall not apply to offenses committed prior to its passage :

And provided further that where a complaint shall be instituted before a Commissioner of the United States within the period above limited, the time shall be extended until the discharge of the Grand Jury at its next session within the district :

And provided further that this act shall not apply to offenses committed by officers of the United States.

SEC. 2. That all laws and parts of laws in conflict with this act be, and are hereby repealed. [July 5, 1884.]

23 Stat. L., 122.

Prosecutions against internal revenue laws limited to three and two years, &c.

R. S., §§ 1044, 1046.

91 U. S., 566.

July 5, 1884.

23 Stat. L., 123.

CHAP. 227.—An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June thirtieth, eighteen hundred and eighty-five, and for other purposes.

Materials and labor, separate contracts for, authorized.

Charities to be visited by Commissioners and receipts and expenditures reported to Congress.

1889, March 2, ch. 370, par. 5, post, p. 678.

1890, Aug. 6, ch. 724, par. 6, post, p. 778.

Contracts for cleaning streets may be made for 5 years.

Garbage contracts may be made for 5 years.

Unexpended balances of appropriations for interest and sinking-fund to be consolidated.

Eight per cent. certificates of indebtedness and coupons of retired bonds to be destroyed.

1881, March 3, ch. 134, par. 6, ante, p. 322.

Appropriations for interest and sinking-fund for water-bonds to be deposited to credit of interest and sinking-fund for funded debt, &c.

Treasurer United States to invest balances in bonds of District of Columbia.

Refund of half expenses of water supply extension to be annually estimated for.

1882, July 15, ch. 294, ante, p. 357.

Be it enacted, &c. * * [Par. 1.] Hereafter in executing public works the Commissioners are authorized to make separate contracts for materials and for labor. * *

[Par. 2.] And hereafter the Commissioners of the District of Columbia are required to visit and investigate the management of all the institutions of charity within the District which may be appropriated for out of the District revenues, in whole or in part, and shall require and itemized report of receipts and expenditures to be made to them, to be transmitted with their annual report to Congress, which report shall also include such recommendations as the Commissioners may deem proper concerning the necessity for such institutions, together with a plan for their organization and management, and estimates of appropriations necessary for their maintenance. * *

[Par. 3.] That hereafter contracts for cleaning streets and alleys may be made for periods not exceeding five years, and subject to annual appropriations therefor by Congress;

[Par. 4.] That hereafter contracts for removal of garbage may be made for periods not exceeding five years, subject to annual appropriations by Congress. * *

[Par. 5.] That any balances now unexpended of the appropriations for interest and sinking fund for the District of Columbia may be consolidated on the books of the Treasury Department, and hereafter any amount appropriated for any fiscal year may be consolidated with the unexpended balances of the appropriations for the same purpose for the years preceding:

And provided further, That the Treasurer of the United States is hereby authorized to cause to be destroyed, in the same manner as United States securities are destroyed, all the eight per centum certificates of indebtedness, and coupons thereof, together with all coupons of other District of Columbia bonds due prior to July, eighteen hundred and seventy-eight, which have been or may hereafter be paid or retired by payment of taxes or by purchase. * *

[Par. 6.] The Commissioners of the District of Columbia are directed to deposit the amount annually appropriated for interest and sinking-fund for the water-bonds to the credit of the appropriation for interest and sinking-fund for the funded indebtedness of the District of Columbia;

And that the Treasurer of the United States, as sinking-fund commissioner of the District of Columbia, shall, after paying the interest on the funded indebtedness of the District, including the interest on the water-bonds out of the combined funds, invest the balance thereof on account of the several sinking-funds in such bonds of the District of Columbia, including the water-bonds, as he may deem most advantageous; * *

[Par. 7.] That hereafter it shall be the duty of the Commissioners of the District of Columbia to include in their annual estimates for the expenses of the water department an estimate, to be made by the Treasurer of the United States, of the amount necessary to refund, in not less than twenty-five annual instalments, one-half of the amount advanced by the United States under the said act of July fifteenth, eighteen hundred and eighty-two, with interest on said amount at the rate of three per centum per annum, computed annually on the principal sum remaining unpaid. * * [July 5, 1884.]

CHAP. 228.—An act to amend sections forty-three hundred and eighty-one and forty-three hundred and eighty-two of the Revised Statutes of the United States, relative to fees levied and collected from the owners and masters of vessels in domestic commerce.

July 5, 1884.

23 Stat. L., 132.

Be it enacted, &c., That paragraphs numbered six and seven, respectively, of section numbered forty-three hundred and eighty-one be, and the same are hereby, severally amended so as to read as follows:

“Sixth, For certifying manifests and granting a permit for a licensed vessel to proceed from district to district, ten cents.”

“Seventh. For receiving a certified manifest and granting a permit on the arrival of such licensed vessel, ten cents.”

SEC. 2. That paragraphs numbered six and eight, respectively, of sections numbered forty-three hundred and eighty-two of the Revised Statutes of the United States, be, and the same are hereby, severally amended so as to read as follows:

“Sixth. For certifying manifest, including master’s oath, and granting permit for vessel to go from district to district, ten cents.”

“Eighth. For receiving manifest, including master’s oath on arrival of a vessel from one collection district to another, whether touching at foreign, intermediate ports or not, ten cents.”

SEC. 3. That paragraphs numbered seven and nine respectively, of section forty-three hundred and eighty-two of the Revised Statutes of the United States, be, and the same are hereby, repealed. [July 5, 1884.]

Fees to be paid by owners, &c., of vessels in certain domestic commerce.

Substitute for R. S., § 4381, pars. 6, 7.

1886, June 19, ch. 421, § 1, *post*, p. 492.

— by owners, &c., of vessels in waters of N., NE., and NW., frontiers.

Substitute for R. S., § 4382, pars. 6, 8.

— for receiving and certifying manifest in certain cases.

Repeal of R. S., § 4382, pars. 7, 9.

July 5, 1884.

23 Stat. L., 144.

CHAP. 229.—An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Be it enacted, &c. * * That a Commission to be called the Missouri River Commission is hereby created, to consist of five members.

That the President shall nominate and, by and with the advice and consent of the Senate, appoint five Commissioners, three of whom shall be selected from the Corps of Engineers of the Army and two from civil life, one of whom at least shall be a civil Engineer; and he shall in like manner fill any vacancy in said Commission; and he shall designate one of the Commissioners appointed from the Corps of Engineers to be president of the Commission.

The Commissioners appointed from the Corps of Engineers shall receive no other pay or compensation than is allowed them by law, and the other two Commissioners shall each receive for their services pay at the rate of two thousand five hundred dollars per annum, out of any money appropriated for the Missouri River; and all said Commissioners shall remain in office subject to removal by the President of the United States

That it shall be the duty of said Commission to superintend and direct such improvement of said river and to carry into execution such plans for the improvement of the navigation of said river from its mouth to its headwaters as may now be devised and in progress, and to continue and complete such surveys as may now be in progress, and to make such additional surveys, examinations, and investigations, topographical, hydrographical, and hydrometrical and to consider, devise, and mature such additional plan or plans, and all such estimates as may be deemed necessary and best, to obtain and maintain a channel and depth of water in said river sufficient for the purposes of commerce and navigation, and to accomplish the objects of this act, and to enable the Commission to perform the duties assigned them the Secretary of War is hereby authorized and directed to transfer to and place under the control and superintendence of said Commission all such vessels, barges, machinery, and instru-

Missouri River commission created.

Commissioners, appointment.

— pay of.

— powers and duties.

ments and such plant as may now be provided, devised, or in use on said river, from appropriations heretofore made for said river, or other sources, and when thereto requested by said Commission to detail from the Corps of Engineers such officers and men as may be necessary, and to place in the charge of said Commission any such vessels, machinery, and instruments under his control as may be deemed necessary.

—may employ assistants, &c.

And said Commission may, with the approval of the Secretary of War, employ such additional force and assistants, and provide, by purchase or otherwise, such additional vessels, boats, machinery, instruments, and means, as may be deemed necessary; to be paid for by appropriations made or to be made for said river.

Expenditure of appropriations.

That the said Commission shall, under the direction and with the approval of the Secretary of War, superintend, control, and expend for the purposes of this act all appropriations or unexpended balances heretofore made for the improvement of said river, and which may hereafter be made for said river, or so much thereof as may be necessary, and shall prepare and submit, through the Chief of the Engineer Corps to the Secretary of War, to be by him transmitted to Congress at the beginning of the regular session in December of each year, a full and detailed report of all their proceedings and actions, and of all such plans and systems of work as may now be devised and in progress and carried out by them, and of all such additional plans and systems of works as may be devised and matured by them, with full and detailed estimates of the cost thereof, and statements of all expenditures made by them;

Report of proceedings.

1888, Aug. 11, ch. 860, § 8, *post*, p. 610.

Detail of a secretary.

And the Secretary of War may detail from the Corps of Engineers or other corps of the Army an officer to act as secretary of the Commission, to aid them in their work;

Sec. of War to expend appropriations according to plans, &c.

And all money hereby or hereafter appropriated for the improvement of said Missouri River shall be expended under the direction of the Secretary of War in accordance with the plans, specifications, and recommendations of said Commission when such plans, specifications, and recommendations shall have been approved by Congress. * *

No tolls for passing canals, works, &c., of U. S.

R. S., §§ 5244-5255.

Actual expenses of operating certain public works, how paid; to be reported to Congress.

SECS. 2, 3. [*Temporary.*]

SEC. 4. That no tolls or operating charges whatsoever shall be levied or collected upon any vessel or vessels, dredges, or other passing water-craft through any canal or other work for the improvement of navigation belonging to the United States;

And for the purpose of preserving and continuing the use and navigation of said canals, rivers, and other public works without interruption, the Secretary of War, upon the application of the chief engineer in charge of said works, is hereby authorized to draw his warrant or requisition from time to time upon the Secretary of the Treasury to pay the actual expenses of operating and keeping said works in repair, which warrants or requisitions shall be paid by the Secretary of the Treasury, out of any money in the Treasury not otherwise appropriated:

Provided, however, That an itemized statement of said expenses shall accompany the annual report of the chief of engineers.

SECS. 5, 6. [*Temporary.*]

SEC. 7. [*Local and superseded, 1888, Sept. 26, ch. 1041, 25 Stat. L., 497.*]

SEC. 8. That whenever the Secretary of War shall have good reason to believe that any railroad or other bridge now or hereafter to be constructed over any of the navigable waters of the United States, under authority of the United States or of any State or Territory, is an obstruction to the free navigation of such waters, by reason of difficulty in passing the draw-opening or the raft-span of said bridge, by rafts, steamboats, or other water-craft, it shall be the duty of the said Secretary, on satisfactory proof thereof, to require the company or persons owning, controlling, or operating said bridge to cause such aids to the passage of said draw-opening or of said raft-span, or of both said draw-opening and raft-span to be constructed, placed, and maintained, at their own cost and expense, in the form of booms,

When bridges over navigable rivers obstruct navigation; Secretary of War to require companies, &c., to provide prescribed remedies.

1888, Aug. 11, ch. 860, § 2, *post*, p. 610.

1890, Sept. 19, ch. 907, § 4, 5, *post*, pp. 800, 801.

dikes, piers, or other suitable and proper structures for the guiding of said rafts, steamboats, and other water-craft safely through said opening or span, or both said opening or span, as shall be specified in his order in that behalf;

And on failure of the company or persons aforesaid to make and establish such additional structures within a reasonable time, the said Secretary shall proceed to cause the same to be built or made at the expense of the United States, and shall refer the matter without delay to the Attorney-General of the United States, whose duty it shall be to institute, in the name of the United States, proceedings in any circuit or district court of the United States in which such bridge, or any part thereof, is located, for the recovery of the cost thereof; and all moneys accruing from such proceedings shall be covered into the Treasury of the United States:

Provided, That no greater sum than fifteen thousand dollars shall be required to be expended upon any one bridge in a single year:

Provided further, That such sum of money as may be necessary to execute the provisions of this act is hereby appropriated, out of any money in the Treasury of the United States not otherwise appropriated, to be paid on the requisition of the Secretary of War.

* * * [July 5, 1884.]

— on failure Secretary of War to make changes and Attorney-General to sue therefor.

— limit.

— appropriation.

CHAP. 232.—An act to amend paragraph seven of section twenty-five hundred and twenty-seven of the Revised Statutes.

July 5, 1884.

23 Stat. L., 155.

Be it enacted, &c., That paragraph seven of section twenty-five hundred and twenty-seven of the Revised Statutes be, and hereby is, amended by adding after the word "Provincetown" the words Dennis Bourne. [July 5, 1884.]

Dennis Bourne added to seventh collection district, Mass.

R. S., § 2527, par. 7.

CHAP. 234.—An act making appropriations for the service of the Post-Office Department for the fiscal year ending June thirtieth, eighteen hundred and eighty-five, and for other purposes.

July 5, 1884.

23 Stat. L., 156.

Be it enacted, &c., * * [Par. 1.] Post-office inspectors shall be allowed four dollars per day in lieu of the charges now permitted, for personal expenses;

Inspectors allowed \$4 a day for expenses. 1878, June 17, ch. 259, 1, ante, p. 296.

[Par. 2.] The Postmaster-General is authorized to designate postmasters at money-order post-offices as disbursing officers for the payment of the salaries of officers and employees of the postal service, and for such other payments as postmasters are now authorized to make from postal revenues. * *

Postmasters at money order offices may be disbursing officers.

1882, May 4, ch. 116, par. 2, ante, p. 339.

[Par. 3.] If any railroad company shall fail or refuse to transport the mails, when required by the Post Office Department, upon the fastest train or trains run upon said road, said company shall have its pay reduced fifty per centum of the amount provided by law.

Reduction of pay railroad companies not carrying mails on fastest trains.

1881, March 1, ch. 96, par. 3, ante, p. 319.

SEC. 3. That section twenty-nine of the act of March third, eighteen hundred and seventy-nine (United States Statutes at Large, page three hundred and sixty-two), be, and it is hereby, amended so as to read as follows:

Letters on official business from officers of U. S.

Substitute for 1879, March 3, ch. 180, § 29 (20 Stat. L., 362).

R. S., §§ 3896, 3913.

"The provisions of the fifth and sixth section of the act entitled 'An act establishing post-routes, and for other purposes' approved March third, eighteen hundred and seventy-seven, for the transmission of official mail-matter, be, and they are hereby, extended to all officers of the United States Government, not including members of Congress, the envelopes of such matter in all cases to bear appro-

1877, March 3, ch. 103, §§ 5, 6, ante, p. 288; 1883, March

3, ch. 128, § 2, ante, p. 409. 1887, March 2, ch. 314, § 4, post, p. 551. 1891, March 3, ch. 547, § 3, post, p. 932.
17 Opins., 183, 255, 529.

Return envelopes may be inclosed.

Registered letter from Departments, &c., free. 18 Opins., 49.

Part-paid letters to Departments to be delivered without extra pay, &c.

Not to extend to pension agents.

1886, July 2, ch. 611, post, p. 500.

No official stamps, &c., to be issued.

R. S., § 3915.

private indorsements containing the proper designation of the office from which or officer from whom the same is transmitted, with a statement of the penalty for their misuse. And the provisions of said fifth and sixth sections are hereby likewise extended and made applicable to all official mail-matter of the Smithsonian Institution:

Provided, That any Department or officer authorized to use the penalty envelopes may inclose them with return address to any person or persons from or through whom official information is desired, the same to be used only to cover such official information, and indorsements relating thereto:

Provided further, That any letter or packet to be registered by either of the Executive Departments, or Bureaus thereof, or by the Agricultural Department, or by the Public Printer, may be registered without the payment of any registry fee;

And any part-paid letter or packet addressed to either of said Departments or Bureaus may be delivered free; but where there is good reason to believe the omission to prepay the full postage thereon was intentional, such letter or packet shall be returned to the sender:

Provided further, That this act shall not extend or apply to pension agents or other officers who receive a fixed allowance as compensation for their services, including expenses of postages.

And section thirty-nine hundred and fifteen of the Revised Statutes of the United States, so far as the same relates to stamps and stamped envelopes for official purposes, is hereby repealed." [July 5, 1884.]

July 5, 1884.

23 Stat. L., 158.

All rifled cannon made at cost of U. S. to be tested.

1886, July 26, ch. 781, § 1, post, p. 502.

1888, Sept. 23, ch. 1028, § 1, post, p. 619.

Smooth-bore cannon may be sold for experimental purposes.

1875, March 3, ch. 130, par. 11, ante, p. 74.

CHAP. 235.—An act making appropriations for fortifications and other works of defense, and for the armament thereof, for the fiscal year ending June thirtieth, eighteen hundred and eighty-five and for other purposes.

Be it enacted, &c., * * SEC. 2. That hereafter all rifled cannon of any particular material, caliber, or kind, made at the cost of the United States shall be publicly subjected to the proper test including such rapid firing as a like gun would be likely to be subjected to in actual battle for the determination of the endurance of the same to the satisfaction of the President of the United States or such persons as he may select; and he is hereby authorized to select not to exceed five persons, who shall be skilled in such matters; and if such gun shall not prove satisfactory, they shall not be put to use in the Government service.

SEC. 3. That the Secretary of War and the Secretary of the Navy are hereby authorized to sell to projectors of methods of conversion, for experimental purposes only, any smooth-bore cannon on hand required by them, at prices which shall not be less than have been received from auction sales for such articles, and deliver the same, at the cost of the Government, at the nearest convenient place for shipment or public transportation; the cost of delivery to be deducted from the proceeds of sales, and the balance to be covered into the Treasury of the United States. * * [July 5, 1884.]

July 7, 1884.

23 Stat. L., 172.

Internal-revenue agents limited to twenty.

1879, Mar. 1, ch. 125, § 1, ante, p. 223.

1885, Mar. 3, ch. 343, post, p. 495.

CHAP. 331.—An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and eighty-five, and for other purposes.

Be it enacted, &c., * * Commissioner of Internal Revenue. * * And hereafter there shall not be employed exceeding twenty agents, in lieu of the number now authorized by law. * * [July 7, 1884.]

CHAP. 332.—An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and eighty-five, and for other purposes.

July 7, 1884.

23 Stat. L., 194.

Be it enacted, &c., * * [Par. 1.] That hereafter it shall be the duty of the Light-House Board to apply the money appropriated, other than for surveys, as far as can be without detriment to the interests of the Government, by contract. * *

Light-house appropriations to be expended by contract.

R. S., § 4666.

[Par. 2.] Hereafter revenue cutters shall be used exclusively for the public service, and in no way for private purposes. * *

1879, March 3, ch. 182,

par. 1, *ante*, p. 250.

Revenue cutters to be exclusively for public service.

R. S., § 2753.

[Par. 3.] Hereafter whenever it is practicable contracts for the transportation of moneys, bullion, coin, notes, bonds, and other securities of the United States, and paper shall be let to the lowest responsible bidder therefor, after notice to all parties having means of transportation. * *

Contracts for transportation of moneys, &c., to be let to the lowest bidder.

R. S., § 3709.

[Par. 4.] And the scientific employees of the Geological Survey shall be selected by the Director, subject to the approval of the Secretary of the Interior exclusively for their qualifications as professional experts. * *

Scientific employees of Geological Survey to be professional experts.

1879, Mar. 3, ch. 182, § 1, par.

10, *ante*, p. 251.

[Par. 5.] And in addition to the persons now entitled to admission to the Government Hospital for the Insane, any inmate of the Soldiers' Home who is now or may hereafter become insane shall, upon an order of the president of the Board of Commissioners of the Soldiers' Home, be admitted to said hospital and treated therein; and the expenses of maintaining any such person shall be paid from the Soldiers' Home fund. * *

Government Hospital for the Insane to admit insane of Soldiers' Home.

R. S., § 4843.

[Par. 6.] And the Director of the National Museum is hereby directed to report annually to Congress the progress of the museum during the year and its present condition. * *

1880, June 16, ch. 235, par. 2, *ante*, p. 298.

Director of National Museum to report to Congress.

1882, Aug. 7, ch. 433, par. 15 and

note, *ante*, p. 382.

[Par. 7.] That the clerk of the Supreme Court of the United States shall, on the first day of January next, or within thirty days thereafter, and annually thereafter, make to the Secretary of the Treasury a return of all costs collected by him in cases disposed of at the preceding term or terms of said Supreme Court; and, after deducting his compensation as provided by law, and the incidental expenses of his office, including clerk-hire, said expenses to be certified by the Chief Justice or a justice of said court, shall pay any surplus that may remain into the Treasury of the United States at the time of making said return. * *

Clerk of Supreme Court U. S. to make return of costs collected above his compensation.

R. S., § 844.

1883, Mar. 3, ch. 143, par. 9, *ante*, p. 42.

[Par. 8.] That it shall not be lawful for the head of any Executive Department or of any Bureau, branch, or office of the Government, to cause to be printed, nor shall the Public Printer print, any document or matter of any character whatever except that which is authorized by law and necessary to administer the public business, nor shall any Bureau officer embrace in his annual or other report to be printed any matter not directly pertaining to the duties of his office as prescribed by law, * * [July 7, 1884.]

Public Printer not to print matter unauthorized by law or unnecessary.

R. S., § 3785.

1874, June 23, ch. 455, par. 1, *ante*, p. 41.

CHAP. 333.—An act making appropriations for the consular and diplomatic service of the Government for the fiscal year ending June thirtieth, eighteen hundred and eighty-five and for other purposes.

July 7, 1884.

23 Stat. L., 235.

Be it enacted, &c., * * For printing and distributing the publications by the Department of State of the consular and other commercial reports, including circular letters to chambers of commerce, * * *Provided*, That no part of such reports discussing partisan political, religious, or moral questions shall be published. (1) * * [July 7, 1884.]

Consular reports not to discuss politics, religion, &c.

1880, June 16, ch. 235, par. 4, *ante*, p. 298.

NOTE.—(1) This provision is repeated in the subsequent appropriation act (23 Stat. L., 324).

July 7, 1884.

23 Stat. L., 236.

Consular officers not to appropriate or expend fees in excess of allowance authorized by law.

R. S., § 1729.

24 C. Cls., 1.

133 U. S., 273.

Claims allowed to be reported to Congress.

1874, June 20, ch. 328, § 5, *ante*, p. 18.

1878, June 14, ch. 191, *ante*, p. 180.

Estimates of appropriations to be transmitted to Congress through the Secretary of the Treasury.

— to be indexed, printed, &c.

Secretary of Treasury may prescribe rules for practice of agents, attorneys, &c.

1884, July 4, ch. 181, § 5, *ante*, p. 453.

14 How., 575.

— may disbar for incompetency, fraud, &c.

CHAP. 334.—An act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June thirtieth, eighteen hundred and eighty-four, and for prior years, and for those certified as due by the accounting officers of the Treasury in accordance with section four of the act of June fourteenth, eighteen hundred and seventy-eight (1), heretofore paid from permanent appropriations, and for other purposes.

Be it enacted, &c. * * [Par. 1.] And hereafter it shall not be lawful for any consular officer to appropriate to his own use or expend from the amount received from the fees of his office any sum in excess of the allowance of salary and fees directly authorized by law, and consular officers paid exclusively by fees and consuls paid in part by salary and in part by fees, shall only appropriate to their own use or expend such portion of the fees as is authorized by law. * *

[Par. 2.] That the Secretary of the Treasury shall, at the commencement of each session of Congress, report the amount due each claimant whose claim has been allowed in whole or in part to the Speaker of the House of Representatives and the presiding officer of the Senate, who shall lay the same before their respective Houses for consideration.

And hereafter all estimates of appropriations and estimates of deficiencies in appropriations intended for the consideration and seeking the action of any of the committees of Congress shall be transmitted to Congress through the Secretary of the Treasury, and in no other manner;

And the said Secretary shall first cause the same to be properly classified, compiled, indexed, and printed, under the supervision of the chief of the division of warrants, estimates, and appropriations of his Department.

SEC. 3. * * That the Secretary of the Treasury may prescribe rules and regulations governing the recognition of agents, attorneys, or other persons representing claimants before his Department, and may require of such persons, agents and attorneys, before being recognized as representatives of claimants, that they shall show that they are of good character and in good repute, possessed of the necessary qualifications to enable them to render such claimants valuable service, and otherwise competent to advise and assist such claimants in the presentation of their cases.

And such Secretary may after due notice and opportunity for hearing suspend, and disbar from further practice before his Department any such person, agent, or attorney shown to be incompetent, disreputable, or who refuses to comply with the said rules and regulations, or who shall with intent to defraud, in any manner willfully and knowingly deceive, mislead, or threaten any claimant or prospective claimant, by word, circular, letter, or by advertisement.

[July 7, 1884.]

NOTE.—(1) Ch. 191, *ante*, p. 180.

RESOLUTIONS.

February 1, 1884.

23 Stat. L., 266.

House Committee on Pensions and Invalid Pensions to have detail of clerk from Interior Department.

NUMBER 4.—Joint resolution authorizing the Secretary of the Interior to detail from that department two clerks to act as assistant-clerks to certain House Committees

Resolved, &c., That the Secretary of the Interior, be, and is hereby authorized, if in his opinion the public interests will not suffer thereby, upon the request of either of the Committees hereinafter named, to detail from that department, one clerk to act as assistant-clerk to the House Committee on Pensions, and one clerk to act as assistant-clerk to the House Committee on Invalid Pensions. [February 1, 1884.]

FORTY-EIGHTH CONGRESS—SECOND SESSION

IN

THE YEARS 1884-1885.

CHAP. 7.—An act detaching Grundy County, Tennessee, from the southern division of the district of East Tennessee and attaching it to the middle district of said State, and for other purposes.

Dec. 27, 1884.

23 Stat. L., 280.

Be it enacted, &c., That hereafter the County of Grundy, in the State of Tennessee, shall be detached from the southern division of the District of East Tennessee and be attached to the middle district of Tennessee and that all process hereafter issuing except as hereinafter provided against citizens of said county of Grundy from the district or circuit courts of said State shall be returnable before the district or circuit courts for the middle district of Tennessee;

Grundy County, Tenn., added to middle judicial district.

R. S., § 547.

And that any case now pending in the district or circuit court of the United States for the southern district of East Tennessee against citizens of said county of Grundy may, at their election, be transferred to the district or circuit court for the middle district of Tennessee at Nashville.

SEC. 2. That the county of Fentress in the middle District of Tennessee be detached therefrom and added to the southern division of the District of East Tennessee; and hereafter all process issuing except as hereinafter provided against citizens of the county of Fentress from the District and Circuit Courts of the United States shall be returnable before said court at Chattanooga in said State:

Fentress County, Tenn., added to southern division of district of East Tennessee.

R. S., § 547.

Provided, That causes now pending in the middle District of Tennessee from Fentress county shall be determined where pending, except in cases where both parties consent to removal:

And provided further, That all prosecutions for crimes or offenses heretofore committed in either of said counties, shall be commenced and proceeded with as if this act had not been passed. [December 27, 1884.]

CHAP. 25.—An act to provide for the ascertainment of claims of American citizens for spoliation committed by the French prior to the thirty-first day of July, eighteen hundred and one. (1)

January 20, 1885.

23 Stat. L., 283.

Be it enacted, &c., That such citizens of the United States, or their legal representatives, as had valid claims to indemnity upon the French Government arising out of illegal captures, detentions, seizures, condemnations, and confiscations prior to the ratification of the convention between the United States and the French Republic concluded on the thirtieth day of September, eighteen hundred, the ratifications of which were exchanged on the thirty-first day of July following, may apply by petition to the Court of Claims, within two years from the passage of this act, as hereinafter provided:

Claims for indemnity on France for illegal captures, &c., prior to July 31, 1801, referred to Court of Claims.

Treaty, 1800, Sept. 30, 8Stat. L., 178.

21 C. Cls., 340.

22 C. Cls., 1, 408. 23 C. Cls., 201, 226, 277, 431. 24 C. Cls., 31, 74, 193.

NOTE.—(1) On the jurisdiction of the Court of Claims, see note to 1887, March 3, ch. 359, *post*, p. 559.

—certain excep-
tions.

Treaty, 1803,
April 30, 8 Stat.
L., 300.

Treaty, 1819,
Feb. 22, 8 Stat. L.,
252.

Treaty, 1831,
July 4, 8 Stat. L.,
430.

Court may make
rules.

Validity, &c., of
claims to be deter-
mined.

1891, March 3,
ch. 540, § 4, *post*,
p. 925.

Proceedings and
evidence.

25 C. Cls., 110.

Attorney-Gen-
eral to appear and
resist claims.

Documents and
evidence from
abroad to be ob-
tained, used, &c.

Court to report
to Congress an-
nually.

Claims not pre-
sented in two
years barred.

United States
not committed to
payment.

Provided, That the provisions of this act shall not extend to such claims as were embraced in the convention between the United States and the French Republic concluded on the thirtieth day of April, eighteen hundred and three;

Nor to such claims growing out of the acts of France as were allowed and paid, in whole or in part, under the provisions of the treaty between the United States and Spain concluded on the twenty-second day of February, eighteen hundred and nineteen;

Nor to such claims as were allowed, in whole or in part, under the provisions of the treaty between the United States and France concluded on the fourth day of July, eighteen hundred and thirty-one.

SEC. 2. That the court is hereby authorized to make all needful rules and regulations, not contravening the laws of the land or the provisions of this act, for executing the provisions hereof.

SEC. 3. That the court shall examine and determine the validity and amount of all the claims included within the description above mentioned, together with their present ownership, and, if by assignee, the date of the assignment, with the consideration paid therefor:

Provided, That in the course of their proceedings they shall receive all suitable testimony on oath or affirmation, and all other proper evidence, historic and documentary, concerning the same; and they shall decide upon the validity of said claims according to the rules of law, municipal and international, and the treaties of the United States applicable to the same, and shall report all such conclusions of fact and law as in their judgment may affect the liability of the United States therefor.

SEC. 4. That the court shall cause notice of all petitions presented under this act to be served on the Attorney-General of the United States, who shall be authorized, by himself or his assistant, to examine witnesses, to cause testimony to be taken, to have access to all testimony taken under this act, and to be heard by the court. He shall resist all claims presented under this act by all proper legal defenses.

SEC. 5. That it shall be the duty of the Secretary of State to procure, as soon as possible after the passage of this act, through the American minister at Paris or otherwise, all such evidence and documents relating to the claims above mentioned as can be obtained from abroad; which, together with the like evidence and documents on file in the Department of State, or which may be filed in the Department, may be used before the court by the claimants interested therein, or by the United States, but the same shall not be removed from the files of the court;

And after the hearings are closed the record of the proceedings of the court and the documents produced before them shall be deposited in the Department of State.

SEC. 6. That on the first Monday of December in each year the court shall report to Congress, for final action, the facts found by it, and its conclusions in all cases which it has disposed of and not previously reported.

Such finding and report of the court shall be taken to be merely advisory as to the law and facts found, and shall not conclude either the claimant or Congress;

And all claims not finally presented to said court within the period of two years limited by this act shall be forever barred;

And nothing in this act shall be construed as committing the United States to the payment of any such claims. [January 20, 1885.]

CHAP. 43.—An act making additional appropriations for the naval service for the fiscal year ending June thirtieth, eighteen hundred and eighty-five, and for other purposes. January 30, 1885.

Be it enacted, &c., * * [Par. 1.] That all enlisted men and boys in the Navy, attached to any United States vessel or station and doing duty thereon, and naval cadets, shall be allowed a ration, or commutation thereof in money, under such limitations and regulations as the Secretary of the Navy may prescribe. * *

[Par. 2.] And from and after the passage of this act there shall be no appointments, except by promotion, to fill vacancies occurring in the list of commissioned officers of the Marine Corps until the number of such officers shall have been reduced, by casualties or otherwise, below seventy-five as fixed by the act approved June thirtieth, eighteen hundred and seventy-six; and after the number of officers shall be reduced as above provided, the whole number of commissioned officers on the active list in the Marine Corps shall not exceed seventy-five. * *

[Par. 3.] Marine Corps. * * That no commutation for forage shall be paid. (1) * *

SEC. 3. That the Secretary of the Navy is hereby directed to report to Congress, at its next and each regular session thereafter, the amount expended during the prior fiscal year, from the appropriations for the pay of the Navy, Bureaus of Navigation, Ordnance, Equipment and Recruiting, Yards and Docks, Medicine and Surgery, Provisions and Clothing, Construction and Repair, and Steam-Engineering, for civilians employed on clerical duty, or in any other capacity than as ordinary mechanics and workmen, and to submit, under the estimates for pay of the Navy and for the respective Bureaus enumerated above, specific estimates for such civilian employees for the fiscal year eighteen hundred and eighty-seven, and each fiscal year thereafter. [January 30, 1885.]

NOTE.—(1) This paragraph is repeated in 1885, March 3, ch. 344, § 1 (23 Stat., 432).

23 Stat. L., 287.

Enlisted men and boys in Navy and naval cadets to have rations or commutation.

R. S., §§ 1577, 331, *post*, p. 669.

Appointments in the Marine Corps limited.

1876, June 30, ch. 159, (19 Stat. L., 71).

No commutation of forage in Marine Corps. R. S., §§ 1270, 1272, 1612.

Secretary of Navy to report details of certain expenditures at each session of Congress.

R. S., § 429.

1882, Aug. 5, ch. 389, § 4, *ante*, p. 374.

1878, June 19, ch. 311, *ante*, p. 193.

CHAP. 50.—An act relative to the Inspector-General's Department of the Army.

February 5, 1885.

Be it enacted, &c., That the Inspector-General's Department of the Army shall hereafter consist of one Inspector-General, with rank, pay, and emoluments of brigadier-general; two inspectors-general, with the rank, pay, and emoluments of colonel; two inspectors-general, with the rank, pay, and emoluments of lieutenant-colonel; and two inspectors-general, with the rank, pay, and emoluments of major:

Provided, That the offices restored to the Inspector-General's Department, or added thereto, by this act, shall be filled by promotion of the officers now in that department:

And that thereafter appointments to fill vacancies in the Inspector-General's Department, and promotions therein, shall be made in conformity with sections eleven hundred and twenty-nine, eleven hundred and ninety-three, and twelve hundred and four of the Revised Statutes of the United States, and in the same manner as in the other staff departments of the Army.

And all laws or parts of laws conflicting with this act are hereby repealed. [February 5, 1885.]

23 Stat. L., 297.

Inspector-General's Department of the Army, how constituted.

R. S., § 5431.

1874, April 20, ch. 117, *ante*, p. 9.

1883, March 3, ch. 130, § 2, *ante*, p. 410.

Appointments and promotions.

R. S. §§ 1129, 1193, 1204.

1890, Oct. 1, ch. 1241, *post*, p. 811.

Repeal.

Feb. 11, 1885.

23 Stat. L., 298

Thickness of boiler plates and space between flues in steam vessels.

R. S., §§ 4429-4437.

Substitute for R. S., § 4434. 1882, Aug. 7, ch. 433, par. 3, *post*, p. 580.

Exception in certain waters.

CHAP. 55.—An act to amend section forty-four hundred and thirty-four of title fifty-two of the Revised Statutes of the United States, concerning commerce and navigation and the regulation of steam vessels.

Be it enacted, &c., That section forty-four hundred and thirty-four of the Revised Statutes of the United States be amended by adding thereto a proviso, so that the section will read as follows:

“SECTION 4434. No boiler to which the heat is applied to the outside of the shell thereof shall be constructed of iron or steel plates of more than twenty-six one-hundredths of an inch in thickness, the ends or heads of the boilers only excepted; and every such boiler employed on steam-vessels navigating rivers flowing into the Gulf of Mexico, or their tributaries, shall have not less than three inches space between and around its internal flues:

Provided, That boilers to which the heat is applied to the outside of the shell thereof, may, in the discretion of the Secretary of the Treasury, be authorized and used on steam-vessels navigating the Atlantic or Pacific oceans, or salt-water bays or sounds, or the great lakes, or any of them, and waters flowing to and from the same, or any of them, when constructed of iron or steel plates not exceeding fifty one-hundredths of an inch in thickness”. [February 1, 1885.]

Feb. 13, 1885.

23 Stat. L., 302.

Washington Humane Society of D. C. Name. 1870, June 21, ch. 135, (16 Stat. L., 158).

Operations extended to protection of children.

—to be aided by police, through District Commissioners.

—agents to have power to arrest, serve warrants, &c.

R. S., of D. C., §§ 395, 397.

—other powers of agents and officers of.

Court may commit children to orphan asylum, &c.

1888, Oct. 12, ch. 1095, *post*, p. 630.

CHAP. 58.—An act for the protection of children in the District of Columbia and for other purposes.

Be it enacted, &c. That from and after the passage of this act the Association for the Prevention of Cruelty to Animals for the District of Columbia shall be known as the “Washington Humane Society”, and shall be authorized to extend its operations under this act to the protection of children as well as animals from cruelty and abuse.

In pursuance thereof the said society may cause its proper officers or agents to prefer complaints, before any court in the District of Columbia having jurisdiction, for the violation of any law relating to or affecting the protection of children in said District, and by its proper attorney may aid in bringing the facts before such court in any proceeding taken.

SEC. 2. That the Commissioners of the District of Columbia shall, by the police force of said District, aid the said society, its officers and agents, in the enforcement of all laws relating to or affecting the protection of children; and the Commissioners of the said District, and their successors, are authorized, in their discretion, to detail, from time to time, an officer or officers to aid specially in the work of said society, or they may commission any duly appointed agents of said society special police officers, without compensation; and such agents or officers shall have power to arrest, without warrant, all persons violating in their presence or sight any law relating to or affecting the protection of children, or other parties so offending by virtue of a warrant issued by the police court of the District of Columbia, which offenders shall be taken by such agents or officers before the said police court of the District of Columbia for trial.

Said agents or officers are also hereby empowered to bring before the said court any child who is subjected to cruel treatment, willful abuse, or neglect, or any child under sixteen years of age found in a house of ill-fame;

And said court may commit such child to an orphan asylum or other public charitable institution in the District of Columbia, with the consent of the constituted authorities of such asylum or institution, or make such other disposition thereof as now is or may hereafter be provided by law in cases of vagrant, destitute, or abandoned children:

Provided, That any parent, guardian, or near relative who may feel aggrieved by any order of said court in the premises may appeal therefrom to the criminal court of the District of Columbia.

Right of appeal.

SEC. 3. That any person in the District of Columbia who shall torture, cruelly beat, abuse, or otherwise willfully maltreat any child under the age of eighteen years; or any person, having the custody and possession of a child under the age of fourteen years, who shall expose, or aid and abet in exposing, such child in any highway, street, field, house, out-house, or other place, with intent to abandon it; or any person, having in his custody or control a child under the age of fourteen years, who shall in any way dispose of it with a view to its being employed as an acrobat, or a gymnast, or a contortionist, or a circus-rider, or a rope-walker, or in any exhibition of like dangerous character, or as a beggar, or mendicant, or pauper, or street-singer, or street-musician; or any person who shall take, receive, hire, employ, use, exhibit, or have in custody any child of the age last named for any of the purposes last enumerated, shall be deemed guilty of a misdemeanor, and when convicted thereof shall be subject to punishment by a fine of not more than two hundred and fifty dollars, or by imprisonment for a term not exceeding two years, or both.

Abuse, abandonment, or wrongful employment of child.

Employment of child as gymnast, beggar, &c.

— a misdemeanor; how punished.

SEC. 4. That any person who shall entice, decoy, place, take, or receive any female child under the age of eighteen years into any house of ill-fame or disorderly house, for the purpose of prostitution, or any person who, having in his custody or control such child, shall dispose of it to be so received, or to be received in or for any obscene, indecent, or immoral purpose, exhibition, or practice, shall be deemed guilty of a misdemeanor, and when convicted thereof shall be subject to punishment by a fine of not more than one thousand dollars, or by imprisonment for a term not exceeding ten years, or both. [February 13, 1885.]

Enticing female child to house of prostitution, or using for obscene purposes, how punished.

R. S. of D. C., §§ 402, 403.

1889, Feb. 9, ch. 120, *post*, p. 641.

CHAP. 123.—An act to provide for the issue of duplicate checks.

February 16, 1885.

Be it enacted, &c., That section thirty-six hundred and forty-six of the Revised Statutes of the United States be amended to read as follows:

23 Stat. L., 306.

“Whenever any original check is lost, stolen, or destroyed, disbursing officers and agents of the United States are authorized, after the expiration of six months, and within three years from the date of such check, to issue a duplicate check; and the Treasurer, assistant treasurers, and designated depositories of the United States are directed to pay such duplicate checks, upon notice and proof of the loss of the original checks, under such regulations in regard to their issue and payment, and upon the execution of such bonds, with sureties, to indemnify the United States, as the Secretary of the Treasury shall prescribe.

Duplicates for lost or stolen checks not exceeding \$2,500; how may be issued.

Substitute for R. S., § 3646.

R. S., §§ 306-308, 3647.

26 C. Cls. Beck-er's case.

This section shall not apply to any check exceeding in amount the sum of twenty-five hundred dollars.” [February 16, 1885.]

CHAP. 126.—An act to authorize suits for damages where death results from the wrongful act or neglect of any person or corporation in the District of Columbia.

February 17, 1885.

Be it enacted, &c., That whenever, by an injury done or happening within the limits of the District of Columbia, the death of a person shall be caused by the wrongful act, neglect, or default of any person or corporation, and the act, neglect, or default is such as would, if death had not ensued, have entitled the party injured, or, if the per-

28 Stat. L., 307.

District of Columbia.

Action for damages may be maintained for injuries by corporations or

persons, resulting
in death.

Damages not to
exceed \$10,000.

—none if damages
recovered during
life.

Action to be
brought in one
year by personal
representatives.

Damages recov-
ered, how distrib-
uted.

son injured be a married woman, have entitled her husband, either separately or by joining with the wife, to maintain an action and recover damages, the person who or corporation which would have been liable if death had not ensued shall be liable to an action for damages for such death, notwithstanding the death of the person injured, even though the death shall have been caused under circumstances which constitute a felony: and such damages shall be assessed with reference to the injury resulting from such act, neglect, or default causing such death, to the widow and next of kin of such deceased person.

Provided, That in no case shall the recovery under this act exceed the sum of ten thousand dollars.

And provided further, That no action shall be maintained under this act, in any case when the party injured by such wrongful act, neglect, or default, has recovered damages therefor during the life of such party.

SEC. 2. That every such action shall be brought by and in the name of the personal representative of such deceased person, and within one year after the death of the party injured.

SEC. 3. That the damages recovered in such action shall not be appropriated to the payment of the debts or liabilities of such deceased person, but shall inure to the benefit of his or her family, and be distributed according to the provisions of the statute of distributions in force in the said District of Columbia. (1) [February 17, 1885.]

NOTE.—(1) "The statute of distributions in force" in the District of Columbia is chapter 11 of the act of Maryland of 1790, Jan. 30, usually cited as "Maryland act of 1798, ch. 101." See Dennis' Probate Law of D. C., pp. 5, 81.

February 25, 1885.
23 Stat. L., 310.

CHAP. 145.—An act making appropriations to provide for the expenses of the Government of the District of Columbia for the fiscal year ending June thirtieth, eighteen hundred and eighty-six, and for other purposes.

Surveyor's rec-
ords to be public
property.

1878, Feb. 4, ch.
12, § 3, *ante*, p. 151.

Insurance may
be for 5 years.

Moneys retained
from contractors
to be invested, &c.

1878, June 11,
ch. 180, § 5, *ante*,
p. 177.

1887, Mar. 3, ch.
355, *post*, p. 559.

Revenues of In-
dustrial School to
be paid into the
Treasury.

Police relief
fund.

R. S. D. C., §§
361-364.

1878, June 11,
ch. 180, § 6, *ante*,
p. 178.

Be it enacted, &c. * * [Par. 1.] That the records of the surveyor of the District of Columbia shall be a part of the public property of the District of Columbia. * *

1879, Feb. 6, ch. 50, *ante*, p. 216.

[Par. 2.] That hereafter property belonging to the District of Columbia may be insured in advance for periods of five years or less. * *

[Par. 3.] That all moneys which have been or may hereafter be legally retained from contractors shall be invested in bonds of the United States or the District of Columbia and held by the Treasurer of the United States, and any sum which has been or shall be realized from such investments in excess of the amounts due to contractors, shall be deposited in the Treasury, to the credit of the United States and of the District of Columbia in equal parts. * *

[Par. 4.] For the Industrial School Home: * * Hereafter all the revenues derived from the labor of the inmates shall be paid into the Treasury of the United States, to the credit of the United States and the District of Columbia in equal parts. * *

[Par. 5.] That hereafter the Commissioners shall deduct one dollar each month from the pay of each policeman, which sum so deducted shall be added to and form a part of the present police fund, to be invested in United States or District bonds by the Treasurer of the United States, and be held by him subject to the drafts of the Commissioners for expenditures made in pursuance of law, and such expenditures shall be accounted for as required by law for other expenditures of the District; and said police fund shall be used for the relief of any policeman who, by injury received or disease contracted in line of duty, or having served not less than fifteen years, shall

become so permanently disabled as to be discharged from service therefor; and in case of his death from such injury or disease, leaving a widow or children under sixteen years, for their relief: *Provided further*, That such relief shall not exceed for any one policeman or his family the sum of fifty dollars per month; and a sum not exceeding seventy-five dollars may be allowed from said fund to defray the funeral expenses of any policeman dying in the service of the District. * * *

[Par. 6.] That hereafter the Commissioners shall deduct one dollar each month from the pay of each fireman, which sum so deducted shall be kept as a firemen's relief fund, and be invested in United States or District bonds and held in manner provided in this act for the police fund, and shall be used for the relief of any fireman who, by injury received or disease contracted in line of duty, or having served not less than fifteen years, shall become so permanently disabled as to be discharged from service therefor; and in case of his death from such injury or disease, leaving a widow or children under sixteen years of age, for their relief: *Provided further*, That such relief shall not exceed for any one fireman or his family the sum of fifty dollars per month; and a sum not exceeding seventy-five dollars may be allowed from said fund to defray the funeral expenses of any fireman dying in the service of the District. * * *

[Par. 7.] That hereafter the janitors of the principal school buildings, in addition to their other duties, shall do all minor repairs to buildings and furniture, glazing, fixing seats and desks, and take care of the heating apparatus, and shall be selected with reference to their qualifications to perform this work. * * *

[Par. 8.] And hereafter the supply of Potomac water may be extended to points in the District beyond the limits of Washington and Georgetown upon like terms and conditions as are provided by law for the supply of the same in those cities. * * * [February 25, 1885.]

Firemen's relief fund.
R. S. D. C., §§ 190-194.

Janitors' duties.
1879, March 3,
ch. 182, § 3, par. 2,
ante, p. 253.

Potomac water service extended.
R. S. D. C., §§ 195-231.
1879, June 10,
ch. 16, *ante*, p. 264.

CHAP. 149.—An act to prevent unlawful occupancy of the public lands.

February 25, 1885.

Be it enacted, &c., That all inclosures of any public lands in any State or Territory of the United States, heretofore or to be hereafter made, erected, or constructed by any person, party, association, or corporation, to any of which land included within the inclosure the person, party, association, or corporation making or controlling the inclosure had no claim or color of title made or acquired in good faith, or an asserted right thereto by or under claim, made in good faith with a view to entry thereof at the proper land-office under the general laws of the United States at the time any such inclosure was or shall be made, are hereby declared to be unlawful, and the maintenance, erection, construction, or control of any such inclosure is hereby forbidden and prohibited;

And the assertion of a right to the exclusive use and occupancy of any part of the public lands of the United States in any State or any of the Territories of the United States, without claim, color of title, or asserted right as above specified as to inclosure, is likewise declared unlawful, and hereby prohibited.

Sec. 2. That it shall be the duty of the district attorney of the United States for the proper district, on affidavit filed with him by any citizen of the United States that section one of this act is being violated showing a description of the land inclosed with reasonable certainty, not necessarily by metes and bounds nor by Governmental sub-divisions of surveyed lands, but only so that the inclosure may be identified, and the persons guilty of the violation as nearly as may be, and by description, if the name cannot on reasonable in-

23 Stat. L., 321.
Inclosure of public lands without title, unlawful and prohibited.
R. S., §§ 2476, 2477.
33 Fed. Rep. 788; 33 Fed. Rep. 390; 36 Fed. Rep. 490.

Assertion of right without title, unlawful.

District attorneys to institute civil suits.

quiry be ascertained, to institute a civil suit in the proper United States district or circuit court, or territorial district court, in the name of the United States, and against the parties named or described who shall be in charge of or controlling the inclosure complained of as defendants;

Jurisdiction of courts.

And jurisdiction is also hereby conferred on any United States district or circuit court or territorial district court having jurisdiction over the locality where the land inclosed, or any part thereof, shall be situated, to hear and determine proceedings in equity, by writ of injunction, to restrain violations of the provisions of this act; and it shall be sufficient to give the court jurisdiction if service of original process be had in any civil proceeding on any agent or employee having charge or control of the inclosure;

Cases to have precedence.

And any suit brought under the provisions of this section shall have precedence for hearing and trial over other cases on the civil docket of the court, and shall be tried and determined at the earliest practicable day.

Summary judgments.

In any case if the inclosure shall be found to be unlawful, the court shall make the proper order, judgment, or decree for the destruction of the inclosure, in a summary way, unless the inclosure shall be removed by the defendant within five days after the order of the court.

Settlements on, and transit over, public lands not to be obstructed.

SEC. 3. That no person, by force, threats, intimidation, or by any fencing or inclosing, or any other unlawful means, shall prevent or obstruct, or shall combine and confederate with others to prevent or obstruct, any person from peaceably entering upon or establishing a settlement or residence on any tract of public land subject to settlement or entry under the public land laws of the United States, or shall prevent or obstruct free passage or transit over or through the public lands:

Provided, This section shall not be held to affect the right or title of persons, who have gone upon, improved or occupied said lands under the land laws of the United States, claiming title thereto, in good faith.

Violators of provisions, how punished.

SEC. 4. That any person violating any of the provisions hereof, whether as owner, part owner, agent, or who shall aid, abet, counsel, advise, or assist in any violation hereof, shall be deemed guilty of a misdemeanor, and fined in a sum not exceeding one thousand dollars and be imprisoned not exceeding one year for each offense

Unlawful structures to be removed.

SEC. 5. That the President is hereby authorized to take such measures as shall be necessary to remove and destroy any unlawful inclosure of any of said lands, and to employ civil or military force as may be necessary for that purpose.

1885, Aug. 7, Proc. No. 3 (24 Stat. L., 1024).

Authority of Secretary of Interior required for bringing suits in certain cases.

SEC. 6. That where the alleged unlawful inclosure includes less than one hundred and sixty acres of land, no suit shall be brought under the provisions of this act without authority from the Secretary of the Interior.

Pending suits.

SEC. 7. That nothing herein shall affect any pending suits to work their discontinuance, but as to them hereafter they shall be prosecuted and determined under the provisions of this act. [February 25, 1885.]

Feb. 25, 1885. 23 Stat. L., 322.

CHAP. 150.—An act making appropriations for the consular and diplomatic service of the Government for the fiscal year ending June thirtieth, eighteen hundred and eighty-six, and for other purposes.

Minister to Uruguay.
Repeal of
R. S., § 1681.

*Be it enacted, &c., * * [Par. 1.]* Section sixteen hundred and eighty-one of the Revised Statutes of the United States is hereby repealed. * *

[Par. 2.] Section sixteen hundred and eighty of the Revised Statutes of the United States is hereby repealed * *

Secretary and interpreter at China.
Repeal of R. S., § 1680.

[Par. 3.] And hereafter no secretary or second secretary of any legation shall be entitled to or receive any compensation over and above his salary as such secretary for acting as charge d'affaires during the temporary or other absence without leave of the minister to whose duties he may succeed. * *

Secretary not to be paid extra when minister absent without leave.

1874, June 17, R. S., § 1685, ch. 294, ante, p. 14.

[Par. 4.] And hereafter no consul or consul-general shall be entitled to or allowed any part of any salary appropriated for payment of a secretary or second secretary of legation or interpreter. * *
[February 25, 1885.]

Consuls, &c., not allowed any of salary of secretary or interpreter.

CHAP. 164.—An act to prohibit the importation and migration of foreigners and aliens under contract or agreement to perform labor in the United States, its Territories, and the District of Columbia (1).

Feb. 26, 1885.

23 Stat. L., 332.

Be it enacted, &c., That from and after the passage of this act it shall be unlawful for any person, company, partnership, or corporation, in any manner whatsoever, to prepay the transportation, or in any way assist or encourage the importation or migration of any alien or aliens, any foreigner or foreigners, into the United States, its Territories, or the District of Columbia, under contract or agreement, parol or special, express or implied, made previous to the importation or migration of such alien or aliens, foreigner or foreigners, to perform labor or service of any kind in the United States, its Territories, or the District of Columbia.

Assisting, &c., foreign emigrants under contract for labor unlawful.

R. S., §§ 2158—2164.

1875, March 3, ch. 141, ante, p. 86.

1882, August 3, ch. 376, ante, p. 370.

1887, Feb. 23, ch. 220; 1891, March 3, post, pp. 541, 934.

ch. 551; Such contracts hereafter void.

SEC. 2. That all contracts or agreements, express or implied, parol, or special, which may hereafter be made by and between any person, company, partnership, or corporation, and any foreigner or foreigners, alien or aliens, to perform labor or service or having reference to the performance of labor or service by any person in the United States, its Territories, or the District of Columbia previous to the migration or importation of the person or persons whose labor or service is contracted for into the United States, shall be utterly void and of no effect,

SEC. 3. That for every violation of any of the provisions of section one of this act the person, partnership, company, or corporation violating the same, by knowingly assisting, encouraging or soliciting the migration or importation of any alien or aliens, foreigner or foreigners, into the United States, its Territories, or the District of Columbia, to perform labor or service of any kind under contract or agreement, express or implied, parol or special, with such alien or aliens, foreigner or foreigners, previous to becoming residents or citizens of the United States, shall forfeit and pay for every such offence the sum of one thousand dollars, which may be sued for and recovered by the United States or by any person who shall first bring his action therefor including any such alien or foreigner who may be a party to any such contract or agreement, as debts of like amount are now recovered in the circuit courts of the United States; the proceeds to be paid into the Treasury of the United States; and separate suits may be brought for each alien or foreigner being a party to such contract or agreement aforesaid. And it shall be the duty of the district attorney of the proper district to prosecute every such suit at the expense of the United States.

Penalty for violation of act.

1888, Oct. 19, ch. 1210, par. 1, post, p. 683.

28 Fed. Rep., 796.

86 " " 303.

40 " " 709.

41 " " 751.

43 " " 115.

45 " " 44.

19 Opins., 344.

SEC. 4. That the master of any vessel who shall knowingly bring within the United States on any such vessel, and land, or permit to be landed, from any foreign port or place, any alien laborer, mechanic,

Master of vessel, knowingly bringing such emigrant laborer, how punished.

NOTE.—(1) See sections 6-10 added to this act by 1887, February 23, ch. 220, post, p. 541.

1891, March 3, ch. 551, § 8, *post*, p. 985.

Foreigners temporarily in U. S. may engage foreigners as private secretaries, servants, &c.

Skilled workmen on new industries, when accepted.

—also artists, &c., and servants.

1891, March 3, ch. 551, § 5, *post*, p. 985.

—and relatives.

Repeal.

or artisan who, previous to embarkation on such vessel, had entered into contract or agreement, parol or special, express or implied, to perform labor or service in the United States, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished by a fine of not more than five hundred dollars for each and every such alien laborer, mechanic or artisan so brought as aforesaid, and may also be imprisoned for a term not exceeding six months.

SEC. 5. That nothing in this act shall be so construed as to prevent any citizen or subject of any foreign country temporarily residing in the United States, either in private or official capacity, from engaging, under contract or otherwise, persons not residents or citizens of the United States to act as private secretaries, servants, or domestics for such foreigner temporarily residing in the United States as aforesaid;

Nor shall this act be so construed as to prevent any person, or persons, partnership, or corporation from engaging, under contract or agreement, skilled workman in foreign countries to perform labor in the United States in or upon any new industry not at present established in the United States:

Provided, That skilled labor for that purpose can not be otherwise obtained; nor shall the provisions of this act apply to professional actors, artists, lecturers, or singers, nor to persons employed strictly as personal or domestic servants:

Provided, That nothing in this act shall be construed as prohibiting any individual from assisting any member of his family or any relative or personal friend, to migrate from any foreign country to the United States, for the purpose of settlement here.

SEC. 6. That all laws or parts of laws conflicting herewith be, and the same are hereby, repealed. [February 26, 1885.]

March 2, 1885.

23 Stat. L., 340.
District of Columbia.

Penalty for violation of § 3.

R. S. of D. C., § 1041.

1891, March 3, ch. 536, *post*, p. 911.

Depositing or allowing flow of waste product into Potomac River and in D. C. prohibited, &c.

CHAP. 316.—An act to protect the fish in the Potomac River in the District of Columbia, and to provide a spawning-ground for shad and herring in the said Potomac River.

Be it enacted, &c. [Section 1 is temporary and expired].

SEC. 2. That any person who shall offend against any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon sufficient proof thereof in the police court or other court of the District of Columbia, shall be punished by a fine of not less than ten dollars no[r] more than one hundred dollars for each and every such offense and shall forfeit to the District his nets, boats, and all other apparatus and appliances used in violation of law, which shall be sold; and the proceeds of such sales, and all fines accruing under this act, shall be paid into the Treasury: * * * [Words omitted refer to omitted section 1.]

SEC. 3. That from and after three months from the date of the passage of this act it shall be unlawful to allow any tar, oil, ammoniacal liquor or other waste products of any gas-works or of works engaged in using such products or any waste products whatever or any mechanical, chemical, manufacturing or refining establishment to flow into or be deposited in Rock Creek or the Potomac River or any of its tributaries within the District of Columbia or into any pipe or conduit leading to the same;

And any one guilty of violating this section shall on conviction as provided in Section two of this act, be fined not less than ten dollars nor more than one hundred dollars for each and every day during which said violation shall continue, to be prosecuted for and recovered as provided in the preceding section. [March 2, 1885.]

HAP. 335.—An act to provide for the settlement of the claims of officers and enlisted men of the Army for loss of private property destroyed in the military service of the United States.

March 3, 1885.

23 Stat. L., 350.

Be it enacted, &c., That the proper accounting officers of the Treasury be, and they are hereby, authorized and directed to examine into, ascertain, and determine the value of the private property belonging to officers and enlisted men in the military service of the United States which has been, or may hereafter be, lost or destroyed in the military service, under the following circumstances:

Property of officers and men lost in military service to be paid for in specified cases.

R. S. § 3482.

1874, June 22,

ch. 395, *ante*, p. 37.
19 Opins., 693.

First. When such loss or destruction was without fault or negligence on the part of the claimant.

Second. Where the private property so lost or destroyed was shipped on board an unseaworthy vessel by order of any officer authorized to give such order or direct such shipment.

Third. Where it appears that the loss or destruction of the private property of the claimant was in consequence of his having given his attention to the saving of the property belonging to the United States which was in danger at the same time and under similar circumstances.

And the amount of such loss so ascertained and determined shall be paid out of any money in the Treasury not otherwise appropriated, and shall be in full for all such loss or damage:

Provided, That any claim which shall be presented and acted on under authority of this act shall be held as finally determined, and shall never thereafter be reopened or considered:

Claim once decided not to be reopened.

And provided further, That this act shall not apply to losses sustained in time of war or hostilities with Indians:

Losses in Indian hostilities excluded.

And provided further, That the liability of the Government under this act shall be limited to such articles of personal property as the Secretary of War, in his discretion shall decide to be reasonable, useful, necessary, and proper for such officer or soldier while in quarters, engaged in the public service in the line of duty:

Such property only as Secretary of War decides to be proper, &c.

And provided further, That all claims now existing shall be presented within two years and not after from the passage of this act; and all such claims hereafter arising be presented within two years from the occurrence of the loss or destruction. [March 3, 1885.]

Claims to be presented within two years.

CHAP. 338.—An act making an appropriation for the Agricultural Department for the fiscal year ending June thirtieth, eighteen hundred and eighty-six, and for other purposes.

March 3, 1885.

23 Stat. L., 858.

Be it enacted, &c., * * SEC. 2. That no part of the money herein or hereafter appropriated for the Department of Agriculture shall be paid to any person, as additional salary or compensation, receiving at the same time other compensation as an officer or employee of the Government;

Appropriations for Dept. of Agriculture, not to be paid as additional compensation.

R. S., §§ 1763-1765.

22 C. Cls., 125.

Secretary to report expenditures to Congress.

R. S., §§ 277, 529, 3677.

1880, June 15, ch. 261, *ante*, p. 302.

1889, Feb. 9, ch. 122, *post*, p. 641.

And in addition to the proper vouchers and accounts for the sums appropriated for the said Department to be furnished to the accounting officers of the Treasury, the Commissioner of Agriculture shall, at the commencement of each regular session, present to Congress a detailed statement of the expenditure of all appropriations for said Department for the last preceding fiscal year. [March 3, 1885.]

CHAP. 339.—An act making appropriations for the support of the Army for the fiscal year ending June thirtieth, eighteen hundred and eighty-six, and for other purposes.

March 3, 1885.

23 Stat. L., 356.

Be it enacted, &c. * * [Par. 1.] And there shall not hereafter be expended out of appropriations made for the support of the Army any money for the support of the Signal Service or Corps, or for

Army appropriations not for Signal Service, ex-

cept pay of detailed officers.

R. S., §§ 1196, 3678.

1890, Oct. 1, ch. 1266, *post*, p. 879.

Army extra duty pay.

R. S., § 1287.

1878, June 20, ch. 359, par. 6, *ante*, p. 202.

Employment of civilians in transportation for Army limited.

R. S., § 1137.

Sixth-class clerks in Q. M. Department abolished.

any purpose connected therewith, other than the pay of such commissioned officers as may be detailed by the Secretary of War for service therein, except such sums as may be specifically appropriated therefor. * *

[*Par. 2.*] That * * dollars * * shall be set aside for the payment of enlisted men on extra duty, at constant labor of not less than ten days; and such extra-duty pay hereafter shall be at the rate of fifty cents per day for mechanics, artisans, school-teachers, and clerks at Army, division, and department headquarters, and thirty-five cents per day for other clerks, teamsters, laborers, and other enlisted men on extra duty.

[*Par. 3.*] That the whole number of civilian employees, including agents, superintendents, mechanics, packers, teamsters, and train-masters, paid from appropriations for transportation of the Army, shall not at any one time hereafter exceed one thousand, nor shall any of said employees be graded for salary above fourth-class clerks of the Army Regulations; (1)

And the grade of sixth-class clerk in the Quartermaster's Department is hereby abolished * * [*March 3, 1885.*]

NOTE.—(1) Somewhat similar provisions appear in the two following Army appropriation acts, (24 Stat. L., 363, 369), but these are apparently limited to the single appropriation in each case.

March 3, 1885.

25 Stat. L., 361.

Applicants for pensions presumed not to be disabled on entering service.

R. S., §§ 1116, Pension agents' salary to be \$4,000.

Only expenses to be allowed.

R. S., §§ 4781, 4782.

CHAP. 340.—An act making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June thirtieth, eighteen hundred and eighty-six, and for other purposes.

Be it enacted, &c. * * [*Par. 1.*] That all applicants for pensions shall be presumed to have had no disability at the time of enlistment; but such presumption may be rebutted. * *

4693.

[*Par. 2.*] (1) From and after June thirtieth, eighteen hundred and eighty-five, the salary and emoluments of agents for the payment of pensions shall be four thousand dollars, and no more, per annum;

And of the fees provided by law for vouchers prepared and paid, only so much thereof as may be required for expenses incurred in having said vouchers prepared, as well as the necessary clerical work at the agencies, shall be available. [*March 3, 1885.*]

NOTE.—(1) By R. S. §§ 4781, 4782, agents for paying pensions received a percentage on disbursements and certain allowances. This was superseded by a salary and an allowance for vouchers in excess of four thousand a year, and payment of certain expenses (1878, June 14, ch. 188, 20 Stat. L., 112). The excess allowance was reduced by 1884, July 4, ch. 181, § 1, *ante*, p. 451, but this act now establishes a salary as full compensation, allowing only actual expenses instead of the fees allowed by former laws. By 1886, July 2, ch. 611, *post*, p. 500, the privilege of penalty envelopes is extended to pension agents.

March 3, 1885.

23 Stat. L., 385.

Indians committing certain crimes in Territories, &c., subject to laws thereof.

R. S., §§ 2145, 2146.

1887, Mar. 3, ch. 320, par. 2, *post*, p. 554.

1888, Feb. 15, ch. 10, *post*, p. 578.

CHAP. 341.—An act making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June thirtieth, eighteen hundred and eighty-six, and for other purposes.

Be it enacted, &c. * * SEC. 9. That immediately upon and after the date of the passage of this act all Indians, committing against the person or property of another Indian or other person any of the following crimes, namely, murder, manslaughter, rape, assault with intent to kill, arson, burglary, and larceny within any Territory of the United States, and either within or without an Indian reservation, shall be subject therefor to the laws of such Territory relating to said crimes, and shall be tried therefor in the same courts and in the same manner and shall be subject to the same penalties

as are all other persons charged with the commission of said crimes, respectively; and the said courts are hereby given jurisdiction in all such cases;

And all such Indians committing any of the above crimes against the person or property of another Indian or other person within the boundaries of any State of the United States, and within the limits of any Indian reservation, shall be subject to the same laws, tried in the same courts and in the same manner, and subject to the same penalties as are all other persons committing any of the above crimes within the exclusive jurisdiction of the United States. [March 3, 1885.]

1889, Mar. 1, ch. 333, and note; May 2, ch. 182, 130 U. S., 343.
—in States and Indian reservations, to what laws subject.

CHAP. 342.—An act making appropriations for the service of the Post Office Department for the fiscal year ending June thirtieth, eighteen hundred and eighty-six and for other purposes.

March 3, 1885.

23 Stat. L., 385.

Be it enacted, &c., * * [Par. 1.] And postmasters are authorized, with the approval of the Postmaster-General, to assign at any time any clerk or employé of their respective post-offices to duty in any branch thereof:

Postmasters may assign clerks, &c., to duty in any branch.

Provided always, That any employé shall be paid from money-order funds for such time as he is engaged in money-order work. * *

R. S. §§ 4047, 4048.

[Par. 2.] For rent, light, and fuel, * * That the Postmaster-General may in the disbursement of this appropriation, apply part thereof to the purpose of leasing premises for use for post-offices of the first, second, and third classes at a reasonable annual rental, to be paid quarterly for a term not exceeding five years;

1883, March 3, 29, ch. 569, *ante*, 1, *post*, p. 681.

And whenever any building or part of a building under lease becomes unfit for use as a post-office, no rent shall be paid until the same shall be put in a satisfactory condition by the owner thereof for occupation as a post-office, or the lease may be canceled, at the option of the Postmaster-General; and a lease shall cease and terminate whenever a post-office can be moved into a Government building * *

Limitations and conditions of leasing buildings for post-offices of 1st, 2d, and 3d classes.

R. S., § 3860.
1888, July 24, ch. 702, *post*, p. 600.
1889, March 2, ch. 374, *post*, p. 684.

[Par. 3.] The Postmaster-General is authorized to contract for inland and foreign steamboat mail service, when it can be combined in one route, where the foreign office or offices are not more than two hundred miles distant from the domestic office, on the same terms and conditions as inland steamboat service, and pay for the same out of the appropriation for inland steamboat service. * *

Inland and foreign steamboat service may be combined.

R. S., § 943.
1891, March 3, ch. 519, *post*, p. 905.

[Par. 4.] That upon all matter of the first class, as defined by chapter one hundred and eighty of the laws of Congress approved March third, eighteen hundred and seventy-nine, entitled "An act making appropriations for the service of the Post-Office Department for the fiscal year ending June thirtieth, eighteen hundred and eighty, and for other purposes," and by that act declared subject to postage at the rate of three cents for each half-ounce or fraction thereof and reduced by the act of March third, eighteen hundred and eighty-three, to two cents for each half ounce or fraction thereof, postage shall be charged, on and after the first day of July, eighteen hundred and eighty-five, at the rate of two cents for each ounce or fraction thereof;

Postage on letters, &c., to be two cents an ounce.

R. S., § 3903.
1879, March 3, ch. 180, § 9, *ante*, p. 246.

1883, March 3, ch. 92, § 1 (23 Stat. L., 455).

And drop letters shall be mailed at the rate of two cents per ounce or fraction thereof, including delivery at letter-carrier offices, and one cent for each ounce or fraction thereof where free delivery by carrier is not established.

— on drop letters. R. S., § 3904.

1879, March 3, ch. 180, § 9, *ante*, p. 246.

That all publications of the second class, except as provided in section twenty-five of said act, when sent by the publisher thereof, and from the office of publication, including sample copies, or when sent from a news agency to actual subscribers thereto, or to other

— publications of second class.

1879, March 3, ch. 180, §§ 10, 12,

14, 16, 25, *ante*, pp. 246, 247, 249.

1884, June 9, ch. 73, *ante*, p. 438.

Items in newspapers may be marked.

R. S., § 3887.

1879, March 3, ch. 180, §§ 22, 23, *ante*, p. 248. 1888, Jan. 20, ch. 2, *post*, p. 577.

Special delivery of letters; stamps for, &c.

1886, Aug. 4, ch. 901, *post*, p. 511.

1889, Jan. 16, ch. 50, *post*, p. 638.

—hours of delivery to be from 7 a. m. to midnight.

Employment of persons to deliver special-stamp letters.

Compensation of persons employed to make deliveries.

—not to exceed \$30 a month.

Existing free delivery not affected.

news agents, shall, on and after July first, eighteen hundred and eighty-five, be entitled to transmission through the mails at one cent a pound or a fraction thereof, such postage to be prepaid as now provided by law.

And any article or item in any newspaper or other publication may be marked for observation, except by written or printed words, without increase of postage. * *

SEC. 3. That a special stamp of the face valuation of ten cents may be provided and issued, whenever deemed advisable or expedient, in such form and bearing such device as may meet the approval of the Postmaster-General, which, when attached to a letter, in addition to the lawful postage thereon, the delivery of which is to be at a free delivery office, or at any city, town, or village containing a population of four thousand or over, according to the Federal census, shall be regarded as entitling such letter to immediate delivery within the carrier limit of any free delivery office which may be designated by the Postmaster-General as a special delivery office, or within one mile of the post office at any other office coming within the provisions of this section which may in like manner be designated as a special delivery office.

SEC. 4. That such specially stamped letters shall be delivered from seven o'clock ante meridian up to twelve o'clock midnight at offices designated by the Postmaster-General under section three of this act.

SEC. 5. That to provide for the immediate delivery of letters bearing the special stamp, the postmaster at any office which may come within the provisions of this act may, with the approval of the Postmaster-General, employ such person or persons as may actually be required for such service, who, upon the delivery of such letter, will procure a receipt from the party addressed, or some one authorized to receive it, in a book to be furnished for the purpose, which shall, when not in use, be kept in the post-office, and at all times subject to examination by an inspector of the Department.

SEC. 6. That to provide for the payment of such persons as may be employed for this service, the postmaster at any office designated by section three of this act shall keep a record of the number of letters received at such office bearing such special stamp, which number shall correspond with the number entered in the receipt books heretofore specified; and at the end of each month he may pay to such person or persons employed a sum not exceeding eighty per centum of the face value of all such stamps received and recorded during that month:

Provided, That in no case shall the compensation so paid to any one person exceed thirty dollars per month:

And provided further, That nothing in this act shall in any way interfere with the prompt delivery of letters as now provided by law or regulation of the Post Office Department. [March 3, 1885.]

March 3, 1885.

23 Stat. L., 404.

CHAP. 343.—An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and eighty-six, and for other purposes.

Pay of officers at small distilleries.

R. S., §§ 3153–3157. 1879, June 21, ch. 34, § 2, *ante*, p. 267.

Limit of number of revenue officers.

Be it enacted, &c., * * Hereafter storekeepers, or storekeepers and gaugers, who are assigned to distilleries whose registered capacity is twenty bushels or less, shall receive two dollars per day for their services;

And no collector in any district shall recommend, nor shall there be appointed or commissioned, more deputy collectors, storekeepers,

storekeepers and gaugers, gaugers, inspectors, or other officers, or allowed to remain in commission more of any of said officers, at any one time, than fifteen per centum in excess of the number actually engaged in performing duty at the time and indispensably necessary for the performance of said duty:

Provided further, That the compensation of the chief of the internal-revenue agents shall not exceed ten dollars per day, and of the other agents not exceeding seven dollars per day each; and for per diem in lieu of subsistence, while traveling on duty, said agents shall receive at a rate to be fixed by the Secretary of the Treasury, not exceeding three dollars per day. * * [March 3, 1885.]

R. S., 3148, 3151, 3154, 3156.

Compensation of internal revenue agents limited.

R. S., § 3152, 1879, March 1, ch. 125, § 2, *ante*, p. 223.

CHAP. 350.—An act to amend section fifteen hundred and fifty-six of the Revised Statutes, giving longevity pay to certain officers of the Navy.

March 3, 1885.

23 Stat. L. 496.

Be it enacted, &c., That from and after the passage of this act the passed assistant engineers of the Navy shall receive during the third five years after the date from which they take rank as passed (first) assistants, when at sea, two thousand four hundred and fifty dollars; on shore duty, two thousand two hundred and fifty dollars; on leave or waiting orders, one thousand nine hundred dollars. During and after the fourth five years from such date, when at sea, two thousand seven hundred dollars; on shore duty, two thousand three hundred and fifty dollars; on leave or waiting orders, one thousand nine hundred and fifty dollars. And section fifteen hundred and fifty-six of the Revised Statutes is hereby amended accordingly. [March 3, 1885.]

Passed assistant engineers of Navy who have increased longevity pay.

R. S., § 1556, 1874, Feb. 24, ch. 35, *ante*, p. 4.

CHAP. 353.—An act amending section seven hundred and sixty-four of the Revised Statutes.

March 3, 1885.

23 Stat. L., 437.

Be it enacted, &c., That section seven hundred and sixty-four of the Revised Statutes be amended so that the same shall read as follows:

Appeals to Supreme Court in habeas corpus cases.

“From the final decision of such circuit court an appeal may be taken to the Supreme Court in the cases described in the preceding section”. [March 3, 1885.]

Substitute for R. S., § 764.

R. S., § 763.

1891, Mar. 3, ch. 517, *post*, p. 901. 114 U. S., 564. 117 U. S., 241. 119 U. S., 586. 121 U. S., 89.

CHAP. 355.—An act regulating appeals from the supreme court of the District of Columbia and the supreme courts of the several Territories.

March 3, 1885.

23 Stat. L., 443.

Be it enacted, &c., That no appeal or writ of error shall hereafter be allowed from any judgment or decree in any suit at law or in equity in the supreme court of the District of Columbia, or in the supreme court of any of the Territories of the United States, unless the matter in dispute, exclusive of costs, shall exceed the sum of five thousand dollars.

Appeals, &c., from D. C. and Territories only when amount exceeds \$5,000.

R. S., §§ 702, 705, 118 U. S., 355.

SEC 2. That the preceding section shall not apply to any case wherein is involved the validity of any patent or copy-right, or in which is drawn in question the validity of a treaty or statute of or an authority exercised under the United States; but in all such cases an appeal or writ of error may be brought without regard to the sum or value in dispute. [March 3, 1885.]

—except where patent, copy-right, or treaty, is involved.

130 U. S., 210. 137 U. S., 260.

March 3, 1885.

23 Stat. L. 478.

Details from Revenue Marine for Fish Commission. R. S., §§ 3747-2765, 4396. 1888, Jan. 20, ch. 1,

Cost of survey of private land claim to be re-funded. R. S., § 2400; 1875, March 3, ch. 130, par. 10, *ante*, p. 73; 1876, July 31, ch. 246, par. 1, *ante*, p. 115; 1891, March 3, ch. 539, § 10, *post*, p. 921.

Tests of iron, steel, &c., to be reported to Congress.

— for private parties.

1878, June 20, ch. 359, § 1, par. 8, *ante*, p. 202.

— for Society of Civil Engineers.

Signal Service not to duplicate work, &c.

R. S., §§ 222, 223, 1195, 1196. 1882,

Annual report by managers of Volunteer Soldiers' Home.

R. S., § 4825. 1875, March 3, ch. 129, par. 6, and

CHAP. 360.—An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and eighty-six, and for other purposes.

Be it enacted, &c. * * [Par. 1.] The Secretary of the Treasury is authorized to detail from time to time for duty under the Commissioner of Fish and Fisheries any officers and men of the Revenue Marine Service whose services can be spared for such duty. * *

[Par. 2.] That hereafter in all cases of the survey of private land the owner before the delivery of the patent. * *

[Par. 3.] Testing-machine, Watertown Arsenal; * * *Provided*,

That hereafter the tests of iron and steel and other materials for industrial purposes shall be continued, and report thereof shall be made to Congress:

And provided further, That in making tests for private citizens the officer in charge may require payment in advance, and may use the funds so received in making such private tests, making full report thereof to the Chief of Ordnance;

And the Chief of Ordnance shall give attention to such programme of tests as may be submitted by the American Society of Civil Engineers, and the record of such tests shall be furnished said society, to be by them published at their own expense. * *

[Par. 4.] Signal Service: * * Hereafter the work of no other Department, Bureau, or Commission authorized by law shall be duplicated by this Bureau. * *

[Par. 5.] And hereafter there shall annually be submitted to the Secretary of War a detailed statement of the expenses of the Board of Managers of the National Home for Disabled Volunteer Soldiers, who shall submit the same to Congress at the beginning of each session thereof. * * [March 3, 1885.]

note, *ante*, p. 71.

RESOLUTIONS.

Jan. 6, 1885.

23 Stat. L., 516.

Per diem employés of the Government to receive pay for certain holidays.

1879, Jan. 31, ch. 38, and note, *ante*, p. 210.

1886, June 30, ch. 572, *post*, p. 499.

1888, Aug. 1, ch. 722, *post*, p. 600.

March 3, 1885.

23 Stat. L., 520.

Reports of Smithsonian Institution to be printed at Government Printing Office.

R. S., §§ 3798, 5579-5594. 1874, June 23, ch. 455, par. 1, and notes, *ante*, pp. 41, 42.

NUMBER 5.—Joint resolution providing for the payment of laborers in Government employ for certain holidays.

Resolved, &c., That the employees of the Navy Yard, Government Printing Office, Bureau of Printing and Engraving, and all other per diem employees of the Government on duty at Washington, or elsewhere in the United States, shall be allowed the following holidays, to wit: The first day of January, the twenty-second day of February, the fourth day of July, the twenty-fifth day of December, and such days as may be designated by the President as days for national thanksgiving, and shall receive the same pay as on other days. [January 6, 1885.]

NUMBER 19.—Joint resolution to provide for printing the annual reports of the Smithsonian Institution.

Resolved, &c., That the annual reports of the Smithsonian Institution shall be hereafter printed at the Government Printing Office, in the same manner as the annual reports of the heads of Departments are now printed, for submission in print to the two Houses of Congress. [March 3, 1885.]

1884, July 7, ch. 332, par. 8, *ante*, p. 469.

FORTY-NINTH CONGRESS—FIRST SESSION

IN

THE YEAR 1886.

CHAP. 4.—An act to provide for the performance of the duties of the office of President in case of the removal, death, resignation, or inability both of the President and Vice-President.

January 19, 1886.

24 Stat. L., 1.

Be it enacted, &c., That in case of removal, death, resignation, or inability of both the President and Vice-President of the United States, the Secretary of State, or if there be none, or in case of his removal, death, resignation or inability, then the Secretary of the Treasury, or if there be none, or in case of his removal, death, resignation, or inability, then the Secretary of War, or if there be none, or in case of his removal, death, resignation, or inability, then the Attorney-General, or if there be none, or in case of his removal, death, resignation, or inability, then the Postmaster-General, or if there be none, or in case of his removal, death, resignation, or inability, then the Secretary of the Navy, or if there be none, or in case of his removal, death, resignation, or inability, then the Secretary of the Interior, shall act as President until the disability of the President or Vice-President is removed or a President shall be elected :

In case of death, &c., of President and Vice-President, who to act as President.

R. S., §§ 146-151.

Provided, That whenever the powers and duties of the office of President of the United States shall devolve upon any of the persons named herein, if Congress be not then in session, or if it would not meet in accordance with law within twenty days thereafter, it shall be the duty of the person upon whom said powers and duties shall devolve to issue a proclamation convening Congress in extraordinary session, giving twenty days' notice of the time of meeting.

—Congress to be convened.

SEC. 2. That the preceding section shall only be held to describe and apply to such officers as shall have been appointed by the advice and consent of the Senate to the offices therein named, and such as are eligible to the office of President under the Constitution, and not under impeachment by the House of Representatives of the United States at the time the powers and duties of the office shall devolve upon them respectively.

Officers named excluded in certain cases from so acting.

SEC. 3. That sections one hundred and forty-six, one hundred and forty-seven, one hundred and forty-eight, one hundred and forty-nine, and one hundred and fifty of the Revised Statutes are hereby repealed [*January 19, 1886.*]

Repeal of
R. S., §§ 146-150.

CHAP. 22.—An act to increase the pensions of widows and dependent relatives of deceased soldiers and sailors

March 19, 1886.

24 Stat. L., 5.

Be it enacted, &c., That from and after the passage of this act the rate of pension for widows, minor children, and dependent relatives now on the pension-roll, or hereafter to be placed on the pension-roll, and entitled to receive a less rate than hereinafter provided, shall be twelve dollars per month;

Pensions to widows, minors, and dependent relatives increased to \$12 a month.

4695, 4702, 4703,
4707.

1878, March 9,
ch. 28, *ante*, p. 154.
1888, June 7, ch.

To apply only to
widows married
heretofore or dur-
ing soldiers' serv-
ice.

Claim agents not
to receive compen-
sation.

And nothing herein shall be construed to affect the existing allow-
ance of two dollars per month for each child under the age of six-
teen years:

369, *post*, p. 589. 1890, June 27, ch. 634 §§ 1, 3, *post*, pp. 760, 761.

Provided, That this act shall apply only to widows who were mar-
ried to the deceased soldier or sailor prior to its passage and to those
who may hereafter marry prior to or during the service of the soldier
or sailor.

And all acts or parts of acts inconsistent with the provisions of
this act are hereby repealed.

SEC. 2. That no claim agent or attorney shall be recognized in the
adjudication of claims under this act, nor shall any such person be
entitled to receive any compensation whatever for services or pre-
tended services in making applications thereunder. [March 19, 1886.]

March 29, 1886.

24 Stat. L., 8.

CHAP. 28.—An act additional to an act entitled "An act to provide a national currency secured
by a pledge of United States bonds, and to provide for the circulation and redemption there-
of," passed June third, eighteen hundred and sixty-four. (1)

Receiver of na-
tional bank may
purchase property
in which bank has
equities.

R. S., § 5234.

1876, June 30,
ch. 156, *ante*, p.
107.

1882, July 12, ch.
290, *ante*, p. 353.

Be it enacted, &c., That whenever the receiver of any (2) national
bank duly appointed by the Comptroller of the Currency, and who
shall have duly qualified and entered upon the discharge of his trust,
shall find it in his opinion necessary, in order to fully protect and
benefit his said trust, to the extent of any and all equities that such
trust may have in any property, real or personal, by reason of any
bond, mortgage, assignment, or other proper legal claim attaching
thereto, and which said property is to be sold under any execution,
decree of foreclosure, or proper order of any court of jurisdiction,
he may certify the facts in the case, together with his opinion as to
the value of the property to be sold, and the value of the equity his
said trust may have in the same, to the Comptroller of the Currency,
together with a request for the right and authority to use and
employ so much of the money of said trust as may be necessary to
purchase such property at such sale.

Approval of
Comptroller and
Secretary of Treas-
ury required.

SEC. 2. That such request, if approved by the Comptroller of the
Currency, shall be, together with the certificate of facts in the case,
and his recommendation as to the amount of money which, in his
judgment, should be so used and employed, submitted to the Secre-
tary of the Treasury, and if the same shall likewise be approved by
him, the request shall be by the Comptroller of the Currency al-
lowed, and notice thereof, with copies of the request, certificate of
facts, and indorsement of approvals, shall be filed with the Treas-
urer of the United States.

Comptroller to
draw from funds
therefor.

SEC. 3. That whenever any such request shall be allowed as here-
inbefore provided, the said Comptroller of the Currency shall be,
and is, empowered to draw upon and from such funds of any such
trust as may be deposited with the Treasurer of the United States
for the benefit of the bank in interest, to the amount as may be rec-
ommended and allowed and for the purpose for which such allow-
ance was made:

— to make pay-
ments direct with
approval of Secre-
tary.

Provided, however, That all payments to be made for or on ac-
count of the purchase of any such property and under any such
allowance shall be made by the Comptroller of the Currency direct,
with the approval of the Secretary of the Treasury, for such pur-
pose only and in such manner as he may determine and order.
[March 29, 1886.]

NOTES.—(1) The act of 1864 here referred to is incorporated into Revised Statutes, §§ 5133-5243.
(2) For acts relating to national banks, see note to 1882, July 12, ch. 290, § 4, *ante*, p. 354.

CHAP. 41.—An act to amend section three hundred and four of the Revised Statutes of the United States, authorizing the temporary appointment of an Acting Assistant Treasurer.

March 31, 1886.

24 Stat. L., 9.

Substitute for R. S., § 304.

Be it enacted, &c., That section three hundred and four of the Revised Statutes of the United States be, and the same is hereby, amended so as to read as follows :

“SEC. 304. The Treasurer may, in his discretion, and with the consent of the Secretary of the Treasury, authorize the Assisant Treasurer to act in the place and discharge any or all the duties of the Treasurer of the United States ;

R. S., §§ 301-311, 3593, 3644. 1878, June 11, ch. 180, § 7, *ante*, p. 179.

And in the event of the absence of illness of either the Treasurer or the Assistant Treasurer, or both, the Secretary of the Treasury may, on the recommendation of the Treasurer appoint for a term not exceeding thirty days at one time, from among the clerks in the Treasury, any one of said clerks to be Acting Assistant Treasurer during such absence or illness :

Provided, however, That no such appointment shall be made until the official bond given by the principal of the office shall be made in terms to cover and apply to the acts and defaults of every such person so appointed from time to time.

Such acting officer shall, moreover, for the time being, be subject to all the liabilities and penalties prescribed by law for the official misconduct in like cases of the Assistant Treasurer, for whom he acts. [March 31, 1886.]

Assistant Treasurer of U. S. may be authorized to perform duties of Treasurer.

Acting Assistant Treasurer may be appointed.

Bonds of principal to apply. R. S., § 302.

Liabilities of acting officer. R. S., §§ 5488-5496.

CHAP. 64.—An act to amend section thirty-three hundred and thirty-six of the Revised Statutes of the United States.

April 29, 1886.

24 Stat. L., 15.

Be it enacted, &c., That section thirty-three hundred and thirty-six of the Revised Statutes of the United States be, and is hereby, amended so as to read as follows :

“SEC. 3336. Every brewer, on filing notice as aforesaid of his intention to commence or continue business, shall execute a bond to the United States, to be approved by the collector of the district, in a sum equal to three times 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 ;

And he shall execute a new bond once in four years and whenever required so to do by said collector, in the amount above named and conditioned as above provided, which bond shall be in lieu of any former bond or bonds of such brewer in respect to all liabilities accruing after its approval by said collector.” [April 29, 1886.]

Brewers' bonds, conditions of. Substitute for R. S., § 3336.

—to be renewed every four years.

CHAP. 69.—An act to amend an act entitled “An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes,” approved June tenth, eighteen hundred and eighty.

May 1, 1886.

24 Stat. L., 16.

Be it enacted, &c., That the privileges of the first section of the act approved June tenth, eighteen hundred and eighty, entitled “An act to amend the statutes in relation to immediate transportation of

Immediate transportation act extended to Portland, Oregon, and

Port Townsend, Washington.
1880, June 10, ch. 190, §§ 1, 7, ante, pp. 293, 294; 1890, Aug. 28, ch. 814, post, p. 789.

dutiable goods, and for other purposes," be, and the same are hereby, extended to the port of Portland, Oregon; And that the privileges of the first and seventh sections of said act be, and the same are hereby, extended to the port of Port Townsend, in Washington Territory. [May 1, 1886.]

May 1, 1886.

CHAP. 73.—An act to enable (1) national banking associations to increase their capital stock and to change their names or locations.

24 Stat. L., 18.

National banks may increase capital stock. R. S., §§ 5134, 5142. 1882, July 12, ch. 290, § 1, ante, p. 353.

Be it enacted, &c., That any national banking association may, with the approval of the Comptroller of the Currency, by the vote of shareholders owning two-thirds of the stock of such association, increase its capital stock, in accordance with existing laws, to any sum approved by the said Comptroller, notwithstanding the limit fixed in its original articles of association and determined by said Comptroller; and no increase of the capital stock of any national banking association either within or beyond the limit fixed in its original articles of association shall be made except in the manner herein provided.

—may change name and location; how. R. S., § 5134.

SEC. 2. That any national banking association may change its name or the place where its operations of discount and deposit are to be carried on, to any other place within the same State, not more than thirty miles distant with the approval of the Comptroller of the Currency, by the vote of shareholders owning two-thirds of the stock of such association.

—debts, &c., not affected by change. Liabilities continue.

A duly authenticated notice of the vote and of the new name or location selected shall be sent to the office of the Comptroller of the Currency; but no change of name or location shall be valid until the Comptroller shall have issued his certificate of approval of the same.

SEC. 3. That all debts, liabilities, rights, provisions, and powers of the association under its old name shall devolve upon and inure to the association under its new name.

SEC. 4. That nothing in this act contained shall be so construed as in any manner to release any national banking association under its old name or at its old location from any liability, or affect any action or proceeding in law in which said association may be or become a party or interested. [May 1, 1886.]

NOTE.—(1) For acts relating to national banks, see note to 1882, July 12, ch. 290, § 4, ante, p. 354.

May 3, 1886.

CHAP. 81.—An act to establish two additional land-districts in the State of Nebraska.

24 Stat. L., 20.

Nebraska northwest land district established. R. S., § 2256, p. 410. 1882, June 19, ch. 230, ante, p. 347. 1890, April 6, ch. 83, post, p. 714.

Be it enacted, &c., That all that portion of the State of Nebraska bounded and described as follows: Commencing on the west boundary of the State of Nebraska at the intersection of the township line between townships numbered twenty-three and twenty-four north, sixth principal meridian; thence east along the township line between said townships to the fifth guide meridian west; thence north along said guide-meridian to the north boundary of the State of Nebraska; thence west along said boundary to the northwest corner of the State; thence south along the west boundary of the State to the place of beginning, be, and is hereby, constituted a new land-district, to be called the northwest land-district of the State of Nebraska, the land-office for which shall be located at such place as the President may direct.

Sydney, district. R. S., § 2256, p. 410.

SEC. 2. That all that portion of the State of Nebraska bounded and described as follows: Beginning on the west boundary of the State of Nebraska at the point of the intersection of the township-

line between townships numbered twenty-three and twenty-four north, sixth principal meridian; thence east along the township-line between said townships to the fifth guide-meridian west; thence south on said fifth guide-meridian to the southeast corner of township twelve north, range forty-one west; thence west on the township-line between townships eleven and twelve north to the west boundary of the State of Nebraska; thence north to the northeast corner of the State of Colorado; thence west along the north boundary of Colorado to the west boundary of the State of Nebraska; thence north along the west boundary of the State of Nebraska to the place of beginning, be, and is hereby, constituted a new land district, to be called the Sydney land-district of the State of Nebraska, the land-office for which shall be located at such place as the President may direct.

SEC. 3. That the President, by and with the advice and consent of the Senate, is hereby authorized to appoint registers and receivers for such land-districts, who shall discharge like and similar duties and receive the same amount of compensation as other officers discharging like duties in the other land-offices of said State. [May 3, 1886.]

Registers and receivers.

R. S., § 2234.

CHAP. 88.—An act to protect homestead settlers within railway limits and for other purposes.

Be it enacted, &c., That all homestead settlers on public lands within the railway limits restricted to less than one hundred and sixty acres of land, who have heretofore made or may hereafter make the additional entry allowed either by the act approved March third, eighteen hundred and seventy-nine, or the act approved July first, eighteen hundred and seventy-nine, after having made final proof of settlement and cultivation under the original entry, shall be entitled to have the lands covered by the additional entry patented without any further cost or proof of settlement and cultivation. [May 6, 1886.]

May 6, 1886.

24 Stat. L., 22.
Homestead settlers within railway limits to have additional entry patented without cost.

R. S., §§ 2289-2317, 2357.

1879, March 3, ch. 191, *ante*, p. 257.

1879, July 1, ch. 60, *ante*, p. 271.

CHAP. 338.—An act to regulate the promotion of graduates of the United States Military Academy.

Be it enacted, &c., That when any cadet of the United States Military Academy has gone through all its classes and received a regular diploma from the academic staff, he may be promoted and commissioned as a second lieutenant in any arm or corps of the Army in which there may be a vacancy and the duties of which he may have been judged competent to perform;

And in case there shall not at the time be a vacancy in such arm or corps, he may, at the discretion of the President, be promoted and commissioned in it as an additional second lieutenant, with the usual pay and allowances of a second lieutenant until a vacancy shall happen. [May 17, 1886.]

May 17, 1886.

24 Stat. L., 50.
Military Academy graduates may be commissioned second lieutenants in any vacancies.

1878, June 18, ch. 2, *post*, p. 517.

—or, if no additional second-lieutenant, vacancy.

R. S., §§ 1213, 1215.

CHAP. 339.—An act providing for the establishment of a port of entry at Mount Desert Ferry, in the town of Hancock, in the State of Maine.

Be it enacted, &c., That the port of Mount Desert Ferry, in the town of Hancock, in the State of Maine, be, and the same is hereby, established as a port of entry, subject to the same regulations, privileges, and facilities as other ports of entry in the United States:

Provided, That the official duties of said port shall be performed under the direction of the collector of customs for the district of Frenchman's Bay, and by a deputy detailed by him for that purpose. [May 17, 1886.]

May 17, 1886.

24 Stat. L., 50.

Mount Desert Ferry, Maine, a port of entry under district of Frenchman's Bay.

R. S., § 2517, par. 4.

1875, March 3, ch. 146, *ante*, p. 89.

1878, June 20, ch. 366, *ante*, p. 203. 1881, Feb. 17, ch. 60, *ante*, p. 316.

May 20, 1886.

24 Stat. L., 69.

CHAP. 362.—An act to provide for the study of the nature of alcoholic drinks and narcotics, and of their effects upon the human system, in connection with the several divisions of the subject of physiology and hygiene, by the pupils in the public schools of the Territories and of the District of Columbia, and in the Military and Naval Academies, and Indian and colored schools in the Territories of the United States.

Study of effects of alcoholic drinks and narcotics to be compulsory in public schools in Territories and District of Columbia, in Military and Naval Academies, &c.

Be it enacted, &c., That the nature of alcoholic drinks and narcotics, and special instructions as to their effects upon the human system, in connection with the several divisions of the subject of physiology and hygiene, shall be included in the branches of study taught in the common or public schools, and in the Military and Naval Schools, and shall be studied and taught as thoroughly and in the same manner as other like required branches are in said schools, by the use of text-books in the hands of pupils where other branches are thus studied in said schools, and by all pupils in all said schools throughout the Territories, in the Military and Naval Academies of the United States, and in the District of Columbia, and in all Indian and colored schools in the Territories of the United States.

Officers failing to enforce act to be removed.

SEC. 2. That it shall be the duty of the proper officers in control of any school described in the foregoing section to enforce the provisions of this act; and any such officer, school director, committee, superintendent, or teacher who shall refuse or neglect to comply with the requirements of this act, or shall neglect or fail to make proper provisions for the instruction required and in the manner specified by the first section of this act, for all pupils in each and every school under his jurisdiction, shall be removed from office, and the vacancy filled as in other cases.

Teachers to pass examination on hygiene, &c.

R. S. of D. C., § 279, par. 3.

SEC. 3. That no certificate shall be granted to any person to teach in the public schools of the District of Columbia or Territories, after the first day of January, anno Domini eighteen hundred and eighty-eight, who has not passed a satisfactory examination in physiology and hygiene, with special reference to the nature and the effects of alcoholic drinks and other narcotics upon the human system. [May 20, 1886.]

June 1, 1886.

24 Stat. L., 76.

CHAP. 396.—An act to amend section twenty-five hundred and fifty-two of the Revised Statutes of the United States.

Cape Charles City, Virginia, to be port of entry for Cherrystone district,

R. S., 2552, par. 1.

Be it enacted &c., That paragraph one of section twenty-five hundred and fifty-two of the Revised Statutes of the United States be amended by striking out "Cherrystone," in the sixth line, and inserting in lieu thereof "Cape Charles City," so that it will read "Cape Charles City shall be the port of entry," and so forth. [June 1, 1886.]

June 19, 1886.

24 Stat. L., 79.

CHAP. 421.—An act to abolish certain fees for official services to American vessels, and to amend the laws relating to shipping commissioners, seamen, and owners of vessels, and for other purposes.

Shipping fees in certain cases abolished.

Be it enacted, &c., That on and after July first, eighteen hundred and eighty-six, no fees shall be charged or collected by collectors or other officers of customs, or by inspectors of steam-vessels or shipping commissioners, for the following services to vessels of the United States, to wit:

Measurement of tonnage and certifying the same;
Issuing of license

Or granting of certificate of registry, record, or enrollment, including all indorsements on the same and bond and oath;

Indorsement of change of master;

R. S., § 4186.

R. S., §§ 4320, 4381, 4382.

R. S., §§ 4182, 4185, 4312, 4381, 4382.

R. S., §§ 4183, 4185.

Certifying and receiving manifest, including master's oath, and permit; R. S., §§ 4197-4201, 4206, 4382.

Granting permit to vessels licensed for the fisheries to touch and trade; R. S., §§ 3126, 4964, 4381.

Granting certificate of payment of tonnage dues; R. S., §§ 4149, 4186.

Recording bill of sale, mortgage, hypothecation or conveyance, or the discharge of such mortgage or hypothecation; R. S., §§ 4192, 4193, 4382.

Furnishing certificate of title; R. S., §§ 4194, 4195, 4382.

Furnishing the crew-list, including bond; R. S., §§ 4573, 4576.

Certificate of protection to seamen; R. S., § 4588.

Bill of health; R. S., § 2654.

Shipping or discharging of seamen, as provided by title fifty-three of the Revised Statutes and section two of this act; apprenticing boys to the merchant service; R. S., § 4592.

Inspecting, examining, and licensing steam-vessels, including inspection-certificate and copies thereof;

Schedule tables C, D, and following § 4612.

R. S., §§ 4417, 4418, 4421, 4423, 4458.

R. S., §§ 4433, 4453. 1882, Apr. 5, ch. 67, ante, p. 385.

And licensing of master, engineer, pilot, or mate of a vessel;

And all provisions of laws authorizing or requiring the collection of fees for such services are repealed, such repeal to take effect July first, eighteen hundred and eighty-six. (1)

Collectors or other officers of customs, inspectors of steam vessels, and shipping commissioners who are paid wholly or partly by fees shall make a detailed report of such services, and the fees provided by law, to the Secretary of the Treasury, under such regulations as that officer may prescribe; and the Secretary of the Treasury shall allow and pay, from any money in the Treasury not otherwise appropriated, said officers such compensation for said services as each would have received prior to the passage of this act; also such compensation to clerks of shipping commissioners (2) as would have been paid them had this act not passed: *Provided*, That such services have, in the opinion of the Secretary of the Treasury, been necessarily rendered.

Collectors and other officers to report services performed and to be paid from public Treasury same fees as before.

SEC. 2. That shipping commissioners may ship and discharge crews for any vessel engaged in the coastwise trade, or the trade between the United States and the Dominion of Canada, or Newfoundland, or the West Indies, or the Republic of Mexico, at the request of the master or owner of such vessel, the shipping and discharging fees in such cases to be one-half that prescribed by section forty-six hundred and twelve of the Revised Statutes, for the purpose of determining the compensation of shipping commissioners.

Fees for shipping and discharging crews in coast trade, &c.

R. S., § 4592.

Tables C, D, following R. S., § 4612.

1890, Aug. 19, ch. 801, post, p. 780.

SEC. 3. That section ten of the act entitled "An act to remove certain burdens on the American merchant marine and encourage the American foreign carrying trade, and for other purposes," approved June twenty-six, eighteen hundred and eighty-four, be amended by striking out the words "That it shall be lawful for any seaman to stipulate in his shipping agreement for an allotment of any portion of the wages which he may earn to his wife, mother, or other relative, but to no other person or corporation", and inserting in lieu thereof the following:

Allotment of seamen's wages to relatives, or for debt.

1884, June 26, ch. 121, § 10, ante, p. 442.

NOTES.—(1) Although this section in terms repeals all laws authorizing or requiring the collection of fees for the services herein enumerated by collectors or other officers of customs, inspectors of steam-vessels, or shipping commissioners, yet as the Secretary of the Treasury is directed to allow and pay them such compensation for said services as each would have received prior to the passage of this act, the laws fixing these fees would seem to be still in force for some purposes. The acts fixing these fees are as follows:

Collectors or other officers of the customs, R. S., §§ 4381, 4382, as amended by 1864, July 5, ch. 223, ante, p. 466.

Inspectors of steam-vessels, R. S., § 4458, as amended by 1882, April 5, ch. 67, ante, p. 336.

Shipping commissioners, R. S., § 4592, tables C, D, following R. S., § 4612, p. 906, as amended by § 2 of this act. This section refers to R. S., § 4612, as still in force "for the purpose of determining the compensation of shipping commissioners." This refers to the tables following R. S., § 4612, these being more strictly an appendix to R. S., § 4592. The shipment and discharge by a shipping commissioner of crews for the coastwise trade, which is made permissible by § 2 of this act, is now made compulsory by 1890, August 19, ch. 801, post, p. 780. Gunnison's case, 26 C. Cls.

(2) See words inserted here by 1888, April 4, ch. 61, § 2, post, p. 583.

"That it shall be lawful for any seaman to stipulate in his shipping agreement for an allotment of all or any portion of the wages which he may earn to his wife, mother, or other relative, or to an original creditor in liquidation of any just debt for board or clothing which he may have contracted prior to engagement, not exceeding ten dollars per month for each month of the time usually required for the voyage for which the seaman has shipped, under such regulations as the Secretary of the Treasury may prescribe, but no allotment to any other person or corporation shall be lawful."

And said section ten is further amended by striking out all of the last paragraph after the words "vessels of the United States," and inserting in lieu of such words stricken out the following :

"And any master, owner, consignee, or agent of any foreign vessel who has violated this section shall be liable to the same penalty that the master, owner, or agent of a vessel of the United States would be for a similar violation."

SEC. 4. That section forty-two hundred and eighty-nine of the Revised Statutes be amended so as to read as follows:

"SEC. 4289. The provisions of the seven preceding sections, and of section eighteen of an act entitled 'An act to remove certain burdens on the American merchant marine and encourage the American foreign carrying-trade, and for other purposes,' approved June twenty-sixth, eighteen hundred and eighty-four, relating to the limitations of the liability of the owners of vessels, shall apply to all sea going vessels, and also to all vessels used on lakes or rivers or in inland navigation, including canal-boats, barges, and lighters."

SEC. 5. That section forty-one hundred and fifty-three of the Revised Statutes be amended by striking out the last sentence of the last paragraph, and inserting instead the following:

"In every vessel documented as a vessel of the United States the number denoting her net tonnage shall be deeply carved or otherwise permanently marked on her main beam, and shall be so continued; and if the number at any time cease to be continued such vessel shall be subject to a fine of thirty dollars on every arrival in a port of the United States if she have not her tonnage number legally carved or permanently marked."

SEC. 6. That from the close of section forty-one hundred and seventy-seven of said statutes the following words shall be stricken out, to wit: "Such vessel shall be no longer recognized as a vessel of the United States;" and in lieu thereof there shall be inserted the words following: "Such vessel shall be liable to a fine of thirty dollars on every arrival in a port of the United States if she have not her proper official number legally carved or permanently marked."

SEC. 7. Every vessel of twenty tons or upwards, entitled to be documented as a vessel of the United States, other than registered vessels, found trading between district and district, or between different places in the same district, or carrying on the fishery, without being enrolled and licensed, and every vessel of less than twenty tons and not less than five tons burden found trading or carrying on the fishery as aforesaid without a license obtained as provided by this title, shall be liable to a fine of thirty dollars at every port of arrival without such enrollment or license.

But if the license shall have expired while the vessel was at sea, and there shall have been no opportunity to renew such license, then said fine of thirty dollars shall not be incurred.

And so much of section four thousand three hundred and seventy-one of the Revised Statutes as relates to vessels entitled to be documented as vessels of the United States is hereby repealed.

SEC. 8. That foreign vessels found transporting passengers between places or ports in the United States, when such passengers have been taken on board in the United States, shall be liable to a fine of two dollars for every passenger landed.

Penalty for violation by master, &c., of foreign vessel.

Limitation of liability of owners to apply to all vessels.

Substitute for R. S., § 4289. 1884, June 26, ch. 121, § 18, ante, p. 443.

Net tonnage to be permanently marked on main beam. Penalty. R. S., § 4153.

Vessels not so marked liable to fine. R. S., § 4177.

Vessels trading without license, penalty, &c. R. S., § 4371.

Foreign vessels carrying passengers between U. S. ports liable to penalty.

SEC. 9. That the fines imposed by sections five, six, seven, and eight of this act shall be subject to remission or mitigation by the Secretary of the Treasury when the offense was not wilfully committed, under such regulations and methods of ascertaining the facts as may seem to him advisable.

Secretary of Treasury may remit certain fines.

SEC. 10. That the provision of Schedule N of "An act to reduce internal-revenue taxation, and for other purposes," approved March third, eighteen hundred and eighty-three, allowing a (3) drawback on imported bituminous coal used for fuel on vessels propelled by steam, shall be construed to apply only to vessels of the United States.

Drawback on bituminous coal to apply only to U. S. vessels.

1883, March 3, ch. 121, sch. N., 19 Opins., 128.

Tonnage tax of 3 cents per ton on certain vessels.

Substitute for 1884, June 26, ch. 121, § 14 (23 Stat. L., 57).

R. S., § 4219

SEC. 11. That section fourteen of "An act to remove certain burdens on the American merchant marine and encourage the American foreign carrying-trade, and for other purposes," approved June twenty-sixth, eighteen hundred and eighty-four, be amended so as to read as follows:

SEC. 14. That in lieu of the tax on tonnage of thirty cents per ton per annum imposed prior to July first, eighteen hundred and eighty-four, a duty of three cents per ton, not to exceed in the aggregate fifteen cents per ton in any one year, is hereby imposed at each entry on all vessels which shall be entered in any port of the United States from any foreign port or place in North America, Central America, the West India Islands, the Bahama Islands, the Bermuda Islands, or the coast of South America bordering on the Caribbean Sea, or the Sandwich Islands, or Newfoundland;

And a duty of six cents per ton, not to exceed thirty cents per ton per annum, is hereby imposed at each entry upon all vessels which shall be entered in the United States from any other foreign ports, not, however, to include vessels in distress or not engaged in trade:

— of 6 cents per ton on others and not to include vessels in distress.

Provided, That the President of the United States shall suspend the collection of so much of the duty herein imposed, on vessels entered from any foreign port, as may be in excess of the tonnage and light-house dues, or other equivalent tax or taxes, imposed in said port on American vessels by the Government of the foreign country in which such port is situated, and shall, upon the passage of this act, and from time to time thereafter as often as it may become necessary by reason of changes in the laws of the foreign countries above mentioned, indicate by proclamation the ports to which such suspension shall apply, and the rate or rates of tonnage-duty, if any, to be collected under such suspension:

President shall suspend collection in excess of charges of foreign port.

Provided further, That such proclamation shall exclude from the benefits of the suspension herein authorized the vessels of any foreign country in whose ports the fees or dues of any kind or nature imposed on vessels of the United States, or the import or export duties on their cargoes, are in excess of the fees, dues, or duties imposed on the vessels (4) of the country in which such port is situated, or on the cargoes of such vessels;

— not to include vessels of foreign country imposing higher fees on U. S. vessels than on its own.

1888, April 4, ch. 61, § 1, *post*, p. 583.

And sections forty-two hundred and twenty-three and forty-two hundred and twenty-four, and so much of section forty-two hundred and nineteen of the Revised Statutes as conflicts with this section, are hereby repealed."

Repeal of R. S., §§ 4223, 4224, and part of § 4219.

SEC. 12. That the President be, and hereby is, directed to cause the Governments of foreign countries which, at any of their ports, impose on American vessels a tonnage-tax or light-house dues, or other equivalent tax or taxes, or any other fees, charges, or dues, to be informed of the provisions of the preceding section, and invited to co-operate with the Government of the United States in abolishing all light-house dues, tonnage-taxes, or other equivalent tax or taxes on, and also all other fees for official services to, the vessels

President to invite foreign governments to abolish tonnage-taxes, light-house dues, and like charges.

NOTES.—(3) It is understood that it is officially held that this drawback is repealed by operation of 1890, October 1, ch. 1244, *post*, p. 812. See pars. 432, 537, *post*, pp. 844, 849.

(4) See words here substituted by 1888, April 4, ch. 61, § 1, *post*, p. 583.

of the respective nations employed in the trade between the ports of such foreign country and the ports of the United States.

Whaling or fishing vessels need not have slop-chest.

R. S., § 4569.

1884, June 26, ch. 121, § 11, *ante*, p. 442.

Suitable steam-gauges to be used.

R. S., § 4418.

Importation of materials for construction, repair, &c., of vessels in bond extended to whaling and fishing vessels.

1884, June 26, ch. 121, § 16, *ante*, p. 443.

Lights not required on row-boats and skiffs on Saint Lawrence River.

R. S., § 4233.

President may suspend commercial privileges to vessels of country denying same to U. S. vessels.

1887, March 3, ch. 339, *post*, p. 555.

Penalty for violation.

SEC. 13. That section eleven of "An act to remove certain burdens on the American merchant marine and encourage the American foreign carrying-trade, and for other purposes," approved June twenty-sixth, eighteen hundred and eighty-four, shall not be construed to apply to vessels engaged in the whaling or fishing business.

SEC. 14. That section forty-four hundred and eighteen of the Revised Statutes is hereby amended by striking out from the nineteenth and following lines thereof the words "and, to indicate the pressure of steam, suitable steam-registers that will correctly record each excess of steam carried above the prescribed limit, and the highest point attained," and inserting in lieu thereof the following: "and suitable steam gauges to indicate the pressure of steam."

SEC. 15. That the provisions of (5) sections twenty-five hundred and ten and twenty-five hundred and eleven of the Revised Statutes, as the sections of Title thirty three are numbered in "An act to reduce internal revenue taxation and for other purposes," approved March third, eighteen hundred and eighty-three, and the provisions of section sixteen of "An act to remove certain burdens on the American merchant marine and encourage the American foreign carrying-trade, and for other purposes," approved June twenty-sixth, eighteen hundred and eighty-four, shall apply to the construction, equipment, repairs, and supplies of vessels of the United States employed in the fisheries or in the whaling business, in the same manner as to vessels of the United States engaged in the foreign trade.

SEC. 16. (6) That rule twelve of section forty-two hundred and thirty-three of the Revised Statutes shall be so construed as not to require row-boats and skiffs upon the river Saint Lawrence to carry lights.

Rule 12.

SEC. 17. That whenever any foreign country whose vessels have been placed on the same footing in the ports of the United States as American vessels (the coastwise trade excepted) shall deny to any vessels of the United States any of the commercial privileges accorded to national vessels in the harbors, ports, or waters of such foreign country, the President, on receiving satisfactory information of the continuance of such discriminations against any vessels of the United States, is hereby authorized to issue his proclamation excluding, on and after such time as he may indicate, from the exercise of such commercial privileges in the ports of the United States as are denied to American vessels in the ports of such foreign country, all vessels of such foreign country of a similar character to the vessels of the United States thus discriminated against, and suspending such concessions previously granted to the vessels of such country;

And on and after the date named in such proclamation for it to take effect, if the master, officer, or agent of any vessel of such foreign country excluded by said proclamation from the exercise of any commercial privileges shall do any act prohibited by said proclamation in the ports, harbors, or waters of the United States for or on account of such vessel, such vessel, and its rigging, tackle, furniture, and boats, and all the goods on board, shall be liable to seizure and to forfeiture to the United States; and any person opposing any officer of the United States in the enforcement of this act, or aiding and abetting any other person in such opposition, shall forfeit eight hundred dollars, and shall be guilty of a misdemeanor, and, upon

NOTES.—(5) The provisions of the act of 1883, March 3, ch. 121, § 6 (23 Stat. L., 523), numbered therein as R. S., §§ 2510, 2511, were substitutes for R. S., §§ 2513 and 2514, and have been superseded by 1890, October 1, ch. 1244, §§ 8 and 9, *post*, p. 858.

(6) R. S., § 4233 is superseded by 1890, August 19, ch. 802, *post*, p. 781, and the subject of small vessels under oars is covered by article 7 of said act, *post*, p. 783. See note to that act, *post*, p. 789.

conviction, shall be liable to imprisonment for a term not exceeding two years.

SEC. 18. Section nine of "An act to remove certain burdens on the American merchant marine and encourage the American foreign carrying-trade, and for other purposes," approved June twenty sixth, eighteen hundred and eighty-four, is hereby amended in the eighth line by inserting after the words "and the consular officer" the following:

"When the transportation is by a sailing vessel; and the regular steerage-passenger rate, not to exceed two cents per mile, when the transportation is by steamer."

And the said section is further amended by adding at the end the following: "or to take any seaman having a contagious disease." [June 19, 1886.]

Fare for returning destitute seamen.
1884, June 26, ch. 121, § 9, *ante*, pp. 441, 442.

Masters need not take infected persons.

CHAP. 422.—An act to detach the counties of Howard, Little River, and Sevier from the western and add them to the eastern district of Arkansas.

June 19, 1886.

24 Stat. L., 83.

Be it enacted, &c., That so much of section five hundred and thirty-three of the Revised Statutes as provide that Howard, Little River, and Sevier counties shall be embraced in the western judicial district of Arkansas be, and the same is hereby, repealed, and the said counties are hereby added to and placed in the eastern judicial district of said State; and all process issued against defendants residing therein shall be returned to Little Rock until otherwise provided, and all causes of action which have accrued or may hereafter accrue in said counties of which the courts of the United States have jurisdiction shall be cognizable in the courts at Little Rock until otherwise provided by law.

Arkansas.
Howard, Little River, and Sevier Counties transferred from western to eastern judicial district.

R. S., § 533.
1877, Jan. 31, ch. 41, *ante*, p. 129.
1887, Feb. 17, ch. 139; Feb. 26, ch. 273; *post*, pp. 533, 546. 1889, Feb. 6, ch. 113, *post*, p. 533.
1890, Mar. 7, ch. 28, *post*, p. 707.
Repeal.

SECS. 2, 3. [*Relate to pending cases and past offenses.*]

SEC. 4. That all laws and parts of laws in conflict with this act are hereby repealed. [June 19, 1886.]

CHAP. 424.—An act to establish additional life-saving stations. (1)

June 19, 1886.

24 Stat. L., 84.

Be it enacted, &c., That the Secretary of the Treasury is hereby authorized to establish additional life-saving stations upon the sea and lake coasts of the United States, as follows:

Life-saving stations established.
R. S., §§ 4242-4249.

One at or near Point Allerton, Massachusetts;

One at such point between the Parment River life-saving station and the south end of Nansett Beach, Cape Cod, Massachusetts, as the General Superintendent of the Life-Saving Service may recommend;

One at or near Cape Poge, Massachusetts;

One at or near Cuttyhunk, Massachusetts;

One on the northwest side of Block Island, Rhode Island;

One on the coast between Point Judith and Watch Hill, Rhode Island;

One on Fisher's Island, Long Island Sound;

One at or near Fisherman's Island, Virginia;

One at or near Oak Island, North Carolina;

One at or near Old Topsail Inlet, North Carolina;

One at or near Plum Island, Lake Michigan;

One at South Manitou Island, Lake Michigan;

One at South Chicago, Illinois;

One at or near Bois Blanc Island, Straits of Mackinaw;

NOTE.—(1) For acts relating to Life-Saving Service, see note to 1873, June 18, ch. 265, *ante*, p. 190.

One at or near Duluth, Lake Superior ;
 One at or near Point Adams, Oregon ;
 One at such point between Point Reyes and Point Diablo, California, as the General Superintendent of the Life-Saving Service may recommend ;
 One at such point between Point San José and Point Lobos, California, as the General Superintendent of the Life-Saving Service may recommend ;
 One on Lake Ontario, New York, at or near the mouth of the Niagara River, as the General Superintendent of the Life-Saving Service may recommend. [June 19, 1886.]

June 29, 1886.

24 Stat. L., 86.

“National Trade Unions” defined.

CHAP. 567.—An act to legalize the incorporation of National Trades Unions.

Be it enacted, &c., That the term “National Trade Union,” in the meaning of this act, shall signify any association of working people having two or more branches in the States or Territories of the United States for the purpose of aiding its members to become more skillful and efficient workers, the promotion of their general intelligence, the elevation of their character, the regulation of their wages and their hours and conditions of labor, the protection of their individual rights in the prosecution of their trade or trades, the raising of funds for the benefit of sick, disabled, or unemployed members, or the families of deceased members, or for such other object or objects for which working people may lawfully combine, having in view their mutual protection or benefit.

—may be incorporated in District of Columbia.

R. S. of D. C., § 519.

SEC. 2. That National Trade Unions shall, upon filing their articles of incorporation in the office of the recorder of the District of Columbia, become a corporation under the technical name by which said National Trade Union desires to be known to the trade; and shall have the right to sue and be sued, to implead and be impleaded, to grant and receive, in its corporate or technical name, property, real, personal, and mixed, and to use said property, and the proceeds and income thereof, for the objects of said corporation as in its charter defined:

Provided, That each union may hold only so much real estate as may be required for the immediate purposes of its incorporation.

Constitutions, rules, and by-laws.

SEC. 3. That an incorporated National Trade Union shall have power to make and establish such constitution, rules, and by-laws as it may deem proper to carry out its lawful objects, and the same to alter, amend, add to, or repeal at pleasure.

Officers and branches in the Territories.

SEC. 4. That an incorporated National Trade Union shall have power to define the duties and powers of all its officers, and prescribe their mode of election and term of office, to establish branches and sub-unions in any Territory of the United States.

Headquarters to be in D. C.

SEC. 5. That the headquarters of an incorporated National Trade Union shall be located in the District of Columbia. [June 29, 1886.]

June 29, 1886.

CHAP. 568.—An act to reduce the fee on domestic money-orders for sums not exceeding five dollars.

24 Stat. L., 86.

Money-order fee reduced.

1883, Mar. 3, ch. 123, § 3, ante, p. 406.

Be it enacted, &c., That the fee for each domestic money-order not exceeding in amount five dollars shall be reduced from eight cents to five cents.

SEC. 2. That this act shall take effect within one month after the date of its approval by the President. [June 29, 1886.]

CHAP. 569.—An act to make the allowances for clerk-hire, to postmasters of the first and second-class post-offices cover the cost of clerical labor in the money-order business, and for other purposes.

June 29, 1886.

24 Stat. L., 87.

Be it enacted, &c., That from and after the first day of July, eighteen hundred and eighty-six, the allowances for clerk-hire made to postmasters of the first and second class post-offices, by the Postmaster-General, out of the annual appropriation for clerks in post-offices, shall cover the cost of clerical service of all kinds in such post-offices, including the cost of clerical labor in the money-order business; and that all laws or parts of laws inconsistent or in conflict herewith are hereby repealed.

Allowances for clerk hire of first and second class post-offices to cover all clerical labor.

1883, March 3, ch. 123, § 4, *ante*, p. 406.

SEC. 2. That from and after the first day of July, eighteen hundred and eighty-six, the allowances for clerk-hire in money-order business shall not be separately made, but shall be included in the general allowances for clerk-hire, and shall be based upon, but not to exceed, the rates specified in the fourth section of the act of March third, eighteen hundred and eighty-three;

1889, March 2, ch. 374, par. 1, *post*, p. 679.—for money-order clerks not to be separately made.

1883, March 3, ch. 123, § 4, *ante*, p. 406.

And at all money-order exchange offices which are now or may hereafter be established, additional allowances for clerk-hire may be made as provided in said section for international exchange offices;

Postmasters of first and second classes not to have extra pay for money-order business.

And postmasters at offices of the first and second classes shall not receive any compensation in addition to their salaries for the transaction of the money-order and postal-note business. [June 29, 1886.]

CHAP. 572.—An act granting leave of absence to employees in the Government Printing Office (1).

June 30, 1886.

Be it enacted, &c., That the employees of the Government Printing Office, whether employed by the piece or otherwise, be allowed a leave of absence, with pay, not exceeding (2) fifteen days in any one fiscal year, after the service of one year and under such regulations and at such time as the Public Printer may designate. Such employees as are engaged on piece-work shall receive the same rate of pay for the said fifteen days' leave as will be paid the day-hands:

24 Stat. L., 91.

Leave of absence to employees in government printing office regulated.

R. S. § 3763.

Provided, That those regularly employed on the Congressional Record shall receive leave, with pay, at the close of each session, pro rata for the time of such employment.

On Congressional Record.

SEC. 2. That this act shall take effect on and after the first day of July, eighteen hundred and eighty-six. [June 30, 1886.]

When act takes effect.

NOTES.—(1) See the notes upon the following subjects: Employees of Government Printing Office, 1891, March 3, ch. 550, *post*, p. 934; leaves of absence, 1883, March 3, ch. 123, § 4, *ante*, p. 410; Congressional Record, 1874, June 20, Res. No. 12, *ante*, p. 55.

(2) Increased to 30 by 1888, Aug. 1, ch. 722, *post*, p. 600. See Harrison's case, 26 C. Cls.

CHAP. 574.—An act making appropriations for the support of the Army for the fiscal year ending June thirtieth, eighteen hundred and eighty-seven, and for other purposes.

June 30, 1886.

24 Stat. L., 93.

Be it enacted, &c., * * That no expenditures exceeding five hundred dollars shall be made upon any building or military post, or grounds about the same, without the approval of the Secretary of War for the same, upon detailed estimates by the Quartermaster's Department;

Expenditures for buildings, &c., over \$500, to be approved.

R. S. §§ 1136, 3714.

And the erection, construction, and repair of all buildings and other public structures in the Quartermaster's Department shall, as far as may be practicable, be made by contract, after due legal advertisement. (1) * * [June 30, 1886.]

Contracts to be made for all buildings after advertisement.

R. S., § 3709.

NOTE.—(1) This provision is repeated in every subsequent Army appropriation act up to and including 1891, Feb. 24, ch. 234, 26 Stat. L., 776. It is a question whether the continued repetition is a legislative expression that each enactment is limited to the single year.

June 30, 1886.

CHAP. 581.—An act to change the time of holding United States circuit and district courts in the southern district of the State of Florida.

24 Stat. L., 106.

Courts for southern district of Florida to be held second Monday in Feb., at Tampa.

R. S. §§ 572, 658. 1879, Feb. 3, ch. 487, ante, p. 214.

Be it enacted, &c., That the United States circuit and district courts for the southern district of Florida, at Tampa, shall hereafter be held on the second Monday in February of each year, instead of the first Monday in March; and so much of the act entitled "An act to extend the jurisdiction of the district and circuit courts of the United States for the southern district of Florida," approved February the third, eighteen hundred and seventy-nine, as provides that the said courts shall be held on the first Monday in March, is hereby repealed. [June 30, 1886.]

July 2, 1886.

CHAP. 611.—An act making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June thirtieth, eighteen hundred and eighty-seven, and for other purposes.

24 Stat. L., 122.

Official mail matter of pension agents to be free.

1884, July 5, ch. 224, § 3, ante, pp. 467, 468.

1885, March 3, ch. 340, par. 2, and note, ante, p. 482.

Be it enacted, &c. * * Hereafter the provisions of section three of the act approved July fifth, eighteen hundred and eighty-four, entitled, "An act making appropriations for the service of the Post-Office Department for the fiscal year ending June thirtieth, eighteen hundred and eighty-five, and for other purposes," are hereby extended and made applicable to all official mail-matter of agents for the payment of pensions. * * [July 2, 1886.]

July 8, 1886.

CHAP. 745.—An act to amend chapter two hundred and eighteen of the acts of the first session of the Forty-seventh Congress, approved June fifteenth, eighteen hundred and eighty-two.

24 Stat. L., 137.

Mississippi.

Attala County transferred from west to east division, northern judicial district.

R. S., § 539. 1882, June 15, ch. 218, § 2, ante, p. 344.

Be it enacted, &c., That the county of Attala, in the northern judicial district of the State of Mississippi, is hereby transferred from the western to the eastern division of said district.

All crimes and offences heretofore committed within said western division shall be prosecuted tried and determined in the same manner and with the same effect as if this act had not been passed. [July 8, 1886.]

July 9, 1886.

CHAP. 755.—An act relating to the licensing of vessels engaged in towing, to carry persons in addition to their crews.

24 Stat. L., 129.

Steam tow-boats may be licensed to carry limited number of persons without pay.

R. S., §§ 4464, 4465.

Be it enacted, &c. That any steam-vessel engaged in the business of towing vessels, rafts, or water-craft of any kind, and not carrying passengers, may be authorized and licensed by the supervising inspector of the district in which said steamer shall be employed, to carry on board such number of persons, in addition to its crew, as the supervising inspector in his judgment, shall deem necessary to carry on the legitimate business of such towing steamers, not exceeding, however, one person to every net ton of measurement of said steamer: *Provided, however,* That the person so allowed to be carried shall not be carried for hire.

— to carry life preservers.

R. S., § 4482

SEC. 2. That every steam-vessel licensed under the foregoing section shall carry and have on board, in accessible places, one life-preserver for every person allowed to be carried, in addition to those provided for the crew of such vessel.

Certain steam vessels may be licensed to carry excursions, without bulkheads.

SEC. 3. That steam-vessels of one hundred tons burden or under, engaged in the coastwise bays and harbors of the United States, may be licensed by the United States local inspectors of steam-vessels to carry passengers or excursions on the ocean or upon the Great

Lakes of the North or Northwest, not exceeding fifteen miles from the mouth of such bays or harbors, without being required to have the three water-tight cross-bulkheads provided by section forty-four hundred and ninety of the Revised Statutes for other passenger steamers:

Provided, That in the judgment of the local inspector such steamers shall be safe and suitable for such navigation without danger to human life, and that they shall have one water-tight collision bulkhead not less than five feet abaft the stem of said steamer. [July 9, 1886.]

R. S., §§ 4466, 4488-4490.

Proviso.

CHAP. 756.—An act to reimburse the National Home for Disabled Volunteer Soldiers for losses incurred through the failure of the Exchange National Bank of Norfolk, Virginia, and for other purposes.

July 9, 1886.

24 Stat. L., 129.

Be it enacted, &c. [Section 1 is special.]

SEC. 2. That from and after the passage of this act it shall be the duty of the Secretary of the Treasury to require from the president and cashier of all banks used as depositories by the treasurer of the Home a deposit of bonds sufficient in amount to fully secure all moneys pertaining to said Home left on deposit with any such bank. [July 9, 1886.]

Depositories of Home funds to give bonds.

R. S., § 4825, 1875, Mar. 3, ch. 129, par. 6, and note, *ante*, p. 71.

CHAP. 764.—An act to provide for taxation of railroad-grant lands, and for other purposes.

July 10, 1886.

Be it enacted, &c., That no lands granted to any railroad corporation by any act of Congress shall be exempt from taxation by States, Territories, and municipal corporations on account of the lien of the United States upon the same for the costs of surveying, selecting, and conveying the same, or because no patent has been issued therefor; but this provision shall not apply to lands unsurveyed:

24 Stat. L., 148.

Surveyed lands of railroad grants not exempt from taxation.

1876, July 31, ch. 246, par. 7, *ante*, p. 115.

115 U. S., 600.

Lands sold for taxes subject to lien of United States for surveying.

Provided, That any such land sold for taxes shall be taken by the purchaser subject to the lien for costs of surveying, selecting, and conveying, to be paid in such manner by the purchaser as the Secretary of the Interior may by rule provide and to all liens of the United States, all mortgages of the United States, and all rights of the United States in respect of such lands:

Provided further, That this act shall apply only to lands situated opposite to and coterminous with completed portions of said roads, and in organized counties:

To what land, act applies.

Provided further, That at any sale of lands under the provisions of this act the United States may become a preferred purchaser, and in such case the lands sold shall be restored to the public domain and disposed of as provided by the laws relating thereto.

U. S. may purchase at tax sale; restoration to public domain.

SEC. 2. That if any railroad corporation required by law to pay the costs of surveying, selecting, or conveying any lands granted to such company or for its use and benefit by act of Congress shall for thirty days neglect or refuse to pay any such costs after demand for payment thereof by the Secretary of the Interior, he shall notify the Attorney-General, who shall at once commence proceedings to collect the same.

Cost for surveying railroad land grants, how collected.

1876, July 31, ch. 246, par. 7, *ante*, p. 115.

But when any sum shall be collected of such railroad company as costs of surveying, selecting, and conveying any tract of land which shall have been purchased under the provisions of section one hereof, the Secretary of the Interior shall out of such collections reimburse said purchaser, his heirs or assigns, the amount of money paid by him as the costs of such surveying, selecting, and conveying.

— reimbursement to purchaser in certain cases

SEC. 3. That this act shall not affect the right of the Government to declare or enforce a forfeiture of any lands so granted; but all the rights of the United States to said lands or to any interest therein

Right of forfeiture to U. S. not affected.

shall be and remain as if this act had not passed, except as to the lien mentioned in the first section hereof.

Costs of survey of Union Pacific grant, when payable.

1864, July 2, ch. 216, § 21 (13 Stat. L., 965).

Right to alter act of 1864 not affected.

Act may be altered.

SEC. 4. That section twenty-one of chapter two hundred and sixteen, approved July second, eighteen hundred and sixty-four, is hereby so amended as that the costs of surveying, selecting and conveying therein required to be paid shall become due and payable at and on the demand therefor made by the Secretary of the Interior as provided in section two of this act,

And nothing in this act shall be construed or taken in any wise to affect or impair the right of Congress at any time hereafter further to alter, amend, or repeal the said act, as in the opinion of Congress, justice or the public welfare may require, or to impair or waive any right or remedy in the premises now existing in favor of the United States.

This act shall be subject to alteration, amendment, or repeal. [July 10, 1886.]

July 26, 1886.

CHAP. 779.—An act authorizing the construction of additional light-house districts.

24 Stat. L., 148.

Light-house districts may be six-teen.

Substitute for R. S., § 4670.

Persons over 45 permitted to serve in light-houses.

Be it enacted, &c., That section forty-six hundred and seventy of the Revised Statutes is hereby amended so as to read as follows :

“The Light-House Board shall arrange the ocean, gulf, lake, and river coasts of the United States into light-house districts, not exceeding sixteen in number.

That any law or regulation prohibiting the employment in the light-houses of the United States of persons of more than forty-five years of age be and the same is hereby repealed.” [July 26, 1886.]

July 26, 1886.

CHAP. 781.—An act making appropriations for the naval service for the fiscal year ending June thirtieth, eighteen hundred and eighty-seven, and for other purposes.

24 Stat. L., 149.

Navy. Rifled cannon of each type to be tested.

1884, July 5, ch. 235, § 2, *ante*, p. 468.

Balances of appropriations to pay Navy: when to be covered into Treasury. R. S., §§ 250, 360, 3691.

1874, June 20, ch. 328, § 5, *ante*, p. 18. 1890, Aug. 30, ch. 837, § 4, *post*, p. 794.

Be it enacted, &c., * * One or more rifled cannon of each type constructed at the cost of the United States for the Navy shall be publicly subjected to the proper test for endurance including such rapid firing as a like gun would be subjected to in battle. This test shall be under the direction and to the satisfaction of the Secretary of the Navy, and if such guns do not prove satisfactory, the type they represent shall not be put in use in the naval service. * *

SEC. 2. All balances of moneys appropriated for the pay of the Navy or pay of the Marine Corps, for any year existing after the accounts for said year shall have been settled shall be covered into the Treasury. [July 26, 1886.]

July 29, 1886.

CHAP. 810.—An act for the enlistment and pay and to define the duties and liabilities of “general-service clerks” and “general-service messengers” in the Army.

24 Stat. L., 187.

General-service clerks and messengers to be enlisted in Army.

1890, June 20, ch. 437, *post*, p. 759.

— not exceeding 170.

Be it enacted, &c., That the Secretary of War be, and he is hereby, authorized and directed to cause to be enlisted and mustered into the service of the United States, for clerical service and messenger duty at the headquarters of the Army and at the several division, department, and district headquarters, at headquarters general service, at recruiting depots, and at West Point, New York, in the Army, a corps of men not to exceed one hundred and seventy, who shall be subject to the Articles of War and Army Regulations the

same as enlisted men on duty in the line, but shall not be subject to be assigned to any other than clerical and messenger duty, as hereinbefore specified;

Nor shall this number be computed as a part of the number at which the Army is now limited by law.

SEC. 2. That of the men so enlisted one hundred and twenty-five shall be "general-service clerks," who shall be classified and paid as follows:

Class one shall consist of ninety clerks, at one thousand dollars per annum; class two shall consist of twenty-five clerks, at one thousand one hundred dollars per annum; class three shall consist of ten clerks, at one thousand two hundred dollars per annum;

And the remaining forty-five of such men shall be "general-service messengers," who shall be paid at the rate of sixty dollars per month;

And all of such men shall be mustered for pay monthly the same as enlisted men, and shall receive no other compensation, pay, or allowance, except when on duty, when necessity requires, they shall each be allowed for subsistence one ration in kind to be issued by the Commissary Department.

SEC. 3. That the provisions of law relating to the retirement of enlisted men shall be construed to include "general-service clerks" and "general-service messengers" and, for the purposes of retirement, they will rank as follows:

General service clerks of class three with first sergeants of the line. General service clerks of class two with sergeants of the line. General service clerks of class one with corporal of the line. General service messengers with privates of the line. [July 29, 1886.]

— not included in limit of Army enlistments.

Clerks, number classes and pay.
19 Opins., 471.

Messengers, number and pay.

Not to receive allowances except ration in kind, when necessary.

Rank on retirement.
1890, Sept. 30, ch. 1125, post, p. 810.

CHAP. 318.—An act to prohibit the passage of local or special laws in the Territories of the United States, to limit Territorial indebtedness, and for other purposes.

July 30, 1886.

24 Stat. L., 170.

Be it enacted, &c., That the legislatures of the Territories of the United States now or hereafter to be organized shall not pass local or special laws in any of the following enumerated cases, that is to say:

Territorial legislatures not to pass certain local or special laws.

1888, July 19, ch. 679, post, p. 598.

- Granting divorces
- Changing the names of persons or places.
- Laying out, opening, altering, and working roads or highways.
- Vacating roads, town-plats, streets, alleys, and public grounds.
- Locating or changing county seats.
- Regulating county and township affairs.
- Regulating the practice in courts of justice.
- Regulating the jurisdiction and duties of justices of the peace, police magistrates, and constables.
- Providing for changes of venue in civil and criminal cases.
- Incorporating cities, towns, or villages, or changing or amending the charter of any town, city, or village.
- For the punishment of crimes or misdemeanors.
- For the assessment and collection of taxes for Territorial, county, township, or road purposes.
- Summoning and impaneling grand or petit jurors.
- Providing for the management of common schools.
- Regulating the rate of interest on money.
- The opening and conducting of any election or designating the place of voting.
- The sale or mortgage of real estate belonging to minors or others under disability.
- The protection of game or fish.

Chartering or licensing ferries or toll bridges.

Remitting fines, penalties, or forfeitures.

Creating, increasing, or decreasing fees, percentage, or allowances of public officers during the term for which said officers are elected or appointed.

Changing the law of descent.

Granting to any corporation, association, or individual the right to lay down railroad tracks, or amending existing charters for such purpose.

Granting to any corporation, association, or individual any special or exclusive privilege, immunity, or franchise whatever.

In other cases no special law where general law can apply to be enacted.

In all other cases where a general law can be made applicable, no special law shall be enacted in any of the Territories of the United States by the Territorial legislatures thereof.

Territories and municipalities thereof not to subscribe to corporation stock.

SEC. 2. That no Territory of the United States now or hereafter to be organized, or any political or municipal corporation or subdivision of any such Territory, shall hereafter make any subscription to the capital stock of any incorporated company, or company or association having corporate powers, or in any manner loan its credit to or use it for the benefit of any such company or association, or borrow any money for the use of any such company or association.

— in what cases may incur debts.

SEC. 3. That no law of any Territorial legislature shall authorize any debt to be contracted by or on behalf of such Territory except in the following cases: To meet a casual deficit in the revenues, to pay the interest upon the Territorial debt, to suppress insurrections, or to provide for the public defense, except that in addition to any indebtedness created for such purposes, the legislature may authorize a loan for the erection of penal, charitable or educational institutions for such Territory, if the total indebtedness of the Territory is not thereby made to exceed one per centum upon the assessed value of the taxable property in such Territory as shown by the last general assessment for taxation.

Existing debts may be refunded.

And nothing in this act shall be construed to prohibit the refunding of any existing indebtedness of such Territory or of any political or municipal corporation, county, or other sub-division therein.

Limit of indebtedness of counties and other political divisions.

SEC. 4. That no political or municipal corporation, county, or other sub-division in any of the Territories of the United States shall ever become indebted in any manner or for any purpose to any amount in the aggregate, including existing indebtedness, exceeding four per centum on the value of the taxable property within such corporation, county, or subdivision, to be ascertained by the last assessment for Territorial and county taxes previous to the incurring of such indebtedness; and all bonds or obligations in excess of such amount given by such corporation shall be void:

Existing obligations not affected.

That nothing in this act contained shall be so construed as to affect the validity of any act of any Territorial legislature heretofore enacted, or of any obligations existing or contracted thereunder, nor to preclude the issuing of bonds already contracted for in pursuance of express provisions of law; nor to prevent any Territorial legislature from legalizing the acts of any county, municipal corporation, or subdivision of any territory as to any bonds heretofore issued or contracted to be issued.

Not to grant private charters nor special privileges.

SEC. 5. That section eighteen hundred and eighty-nine, title twenty-three, of the Revised Statutes of the United States be amended to read as follows

General incorporation acts.

Substitute for R. S., § 1889.

15 Fed. Rep., 566.
23 Fed. Rep., 473.

“The legislative assemblies of the several Territories shall not grant private charters or special privileges, but they may, by general incorporation acts, permit persons to associate themselves together as bodies corporate for mining, manufacturing, and other industrial pursuits, and for conducting the business of insurance, banks of discount and deposit (but not of issue) loan, trust, and guar-

antee associations, and for the construction or operation of rail-roads, wagon-roads, irrigating ditches, and the colonization and improvement of lands in connection therewith, or for colleges, seminaries, churches, libraries, or any other benevolent, charitable, or scientific association."

SEC. 6. That nothing in this act contained shall be construed to abridge the power of Congress to annul any law passed by a Territorial legislature, or to modify any existing law of Congress requiring in any case that the laws of any Territory shall be submitted to Congress. Congress may annul laws.

SEC. 7. That all acts and parts of acts hereafter passed by any Territorial legislature in conflict with the provisions of this act shall be null and void. [July 30, 1886.] Acts in conflict with this act void.

CHAP. 827.—An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and eighty-seven, and for other purposes. July 31, 1886.
24 Stat. L., 194.

Be it enacted, &c., * * That hereafter no printing shall be done in the Surgeon-General's Office, and all printing for said office shall be done by the Public Printer, and charged to the appropriations made by law applicable to such service. * * * [July 31, 1886.] No printing in Surgeon-General's Office.
R. S., § 3786.
1888, March 30, post, pp. 582, 772.

CHAP. 840.—An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine. August 2, 1886.
24 Stat. L., 209.

Be it enacted, &c., That for the purposes of this act the word "butter" shall be understood to mean the food product usually known as butter, and which is made exclusively from milk or cream, or both, with or without common salt, and with or without additional coloring matter. Definition of butter as used in this act.

SEC. 2. That for the purposes of this act certain manufactured substances, certain extracts, and certain mixtures and compounds, including such mixtures and compounds with butter, shall be known and designated as "oleomargarine", namely: All substances heretofore known as oleomargarine, oleo, oleomargarine-oil, butterine, lardine, suine, and neutral; all mixtures and compounds of oleomargarine, oleo, oleomargarine-oil, butterine, lardine, suine, and neutral; all lard extracts and tallow extracts; and all mixtures and compounds of tallow, beef-fat, suet, lard, lard-oil, vegetable-oil annatto, and other coloring matter, intestinal fat, and offal fat made in imitation or semblance of butter, or when so made, calculated or intended to be sold as butter or for butter. "Oleomargarine" defined.
1879, Jan. 25, ch. 22, ante, p. 207.
18 Opins., 489.

SEC. 3. That special taxes are imposed as follows: Special taxes.
1890, Oct. 1, ch. 1244, § 53, post, p. 869.
Manufacturers of oleomargarine shall pay six hundred dollars. Every person who manufactures oleomargarine for sale shall be deemed a manufacturer of oleomargarine.

Wholesale dealers in oleomargarine shall pay four hundred and eighty dollars. Every person who sells or offers for sale oleomargarine in the original manufacturer's packages shall be deemed a wholesale dealer in oleomargarine. But any manufacturer of oleomargarine who has given the required bond and paid the required special tax, and who sells only oleomargarine of his own production, at the place of manufacture, in the original packages to which the tax-paid stamps are affixed, shall not be required to pay the special tax of a wholesale dealer in oleomargarine on account of such sales. Manufacturers.
Wholesale dealers.
1890, Oct. 1, ch. 1244, § 41, post, p. 866.

Retail dealers in oleomargarine shall pay forty-eight dollars. Every person who sells oleomargarine in less quantities than ten Retail dealers

pounds at one time shall be regarded as a retail dealer in oleomargarine.

Internal-revenue laws as to special taxes made applicable.

R. S., §§ 3232-3241, 3243.

And sections thirty-two hundred and thirty-two, thirty-two hundred and thirty-three, thirty-two hundred and thirty-four, thirty-two hundred and thirty-five, thirty-two hundred and thirty-six, thirty-two hundred and thirty-seven, thirty-two hundred and thirty-eight, thirty-two hundred and thirty-nine, thirty-two hundred and forty, thirty-two hundred and forty-one, and thirty-two hundred and forty-three of the Revised Statutes of the United States are, so far as applicable, made to extend to and include and apply to the special taxes imposed by this section, and to the persons upon whom they are imposed:

Tax for fraction of a year.

Provided, That in case any manufacturer of oleomargarine commences business subsequent to the thirtieth day of June in any year, the special tax shall be reckoned from the first day of July in that year, and shall be five hundred dollars.

Penalty for carrying on business as manufacturer without paying tax.

SEC. 4. That every person who carries on the business of a manufacturer of oleomargarine without having paid the special tax therefor, as required by law, shall, besides being liable to the payment of the tax, be fined not less than one thousand and not more than five thousand dollars;

—as wholesale dealer.

And every person who carries on the business of a wholesale dealer in oleomargarine without having paid the special tax therefor, as required by law, shall, besides being liable to the payment of the tax, be fined not less than five hundred nor more than two thousand dollars;

—as retail dealer.

And every person who carries on the business of a retail dealer in oleomargarine without having paid the special tax therefor, as required by law, shall, besides being liable to the payment of the tax, be fined not less than fifty nor more than five hundred dollars for each and every offense.

Manufacturers to file notices with collector of internal revenue, &c.

SEC. 5. That every manufacturer of oleomargarine shall file with the collector of internal revenue of the district in which his manufactory is located such notices, inventories, and bonds, shall keep such books and render such returns of materials and products, shall put up such signs and affix such number of his factory, and conduct his business under such surveillance of officers and agents as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may, by regulation, require.

—bond of.

But the bond required of such manufacturer shall be with sureties satisfactory to the collector of internal revenue, and in a penal sum of not less than five thousand dollars; 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 instructions of the Commissioner of Internal Revenue.

Oleomargarine to be packed by manufacturers in new wooden packages, marked, &c.

SEC. 6. That all oleomargarine shall be packed by the manufacturer thereof in firkins, tubs, or other wooden packages not before used for that purpose, each containing not less than ten pounds, and marked, stamped, and branded as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe; and all sales made by manufacturers of oleomargarine, and wholesale dealers in oleomargarine shall be in original stamped packages.

—retail packages.

Retail dealers in oleomargarine must sell only from original stamped packages, in quantities not exceeding ten pounds, and shall pack the oleomargarine sold by them in suitable wooden or paper packages, which shall be marked and branded as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe.

Penalty for violation.

Every person who knowingly sells or offers for sale, or delivers or offers to deliver, any oleomargarine in any other form than in new wooden or paper packages as above described, or who packs in any

package any oleomargarine in any manner contrary to law, or who falsely brands any package or affixes a stamp on any package denoting a less amount of tax than that required by law, shall be fined for each offense not more than one thousand dollars, and be imprisoned not more than two years.

SEC. 7. That every manufacturer of oleomargarine shall securely affix, by pasting, on each package containing oleomargarine manufactured by him, a label on which shall be printed, besides the number of the manufactory and the district and State in which it is situated, these words:

Label of manufacturer.

“Notice.—The manufacturer of the oleomargarine herein contained has complied with all the requirements of law. Every person is cautioned not to use either this package again or the stamp thereon again, nor to remove the contents of this package without destroying said stamp, under the penalty provided by law in such cases.”

Every manufacturer of oleomargarine who neglects to affix such label to any package containing oleomargarine made by 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 is committed.

Penalty for not affixing label.

SEC. 8. That upon oleomargarine which shall be manufactured and sold, or removed for consumption or use, there shall be assessed and collected a tax of two cents per pound, to be paid by the manufacturer thereof; and any fractional part of a pound in a package shall be taxed as a pound.

Tax on manufacture.

The tax levied by this section shall be represented by coupon stamps; and the provisions of existing laws governing the engraving, issue, sale, accountability, effacement, and destruction of stamps relating to tobacco and snuff, as far as applicable, are hereby made to apply to stamps provided for by this section.

Stamps.
R. S., § 3369.

SEC. 9. That whenever any manufacturer of oleomargarine sells, or removes for sale or consumption, any oleomargarine upon which the 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 satisfactory proof, 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.

Oleomargarine sold without stamps to be taxed.

The tax so assessed shall be in addition to the penalties imposed by law for such sale or removal.

—in addition to penalty.

SEC. 10. That all oleomargarine imported from foreign countries shall, in addition to any import duty imposed on the same, pay an internal revenue tax of fifteen cents per pound, such tax to be represented by coupon stamps as in the case of oleomargarine manufactured in the United States.

Imported oleomargarine—tax on.

1890, Oct. 1, ch. 1244, par. 266, post, p. 831.

The stamps shall be affixed and canceled by the owner or importer of the oleomargarine while it is in the custody of the proper customhouse officers; and the oleomargarine shall not pass out of the custody of said officers until the stamps have been so affixed and canceled, but shall be put up in wooden packages, each containing not less than ten pounds, as prescribed in this act for oleomargarine manufactured in the United States, before the stamps are affixed; and the owner or importer of such oleomargarine shall be liable to all the penal provisions of this act prescribed for manufacturers of oleomargarine manufactured in the United States.

—to be stamped while in custody of customs officers.

Whenever it is necessary to take any oleomargarine 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 oleomargarine is entered shall designate a bonded warehouse to which it shall be taken, under the control of such customs officer as such collector may direct;

—warehousing.

Penalty for violation by customs officer.

And every officer of customs who permits any such oleomargarine 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 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.

—for selling when not stamped.

Every person who sells or offers for sale any imported oleomargarine, or oleomargarine purporting or claimed to have been imported, not put up in packages and stamped as provided by this act, 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.

—for purchasing when not stamped.

SEC. 11. That every person who knowingly purchases or receives for sale any oleomargarine which has not been branded or stamped according to law shall be liable to a penalty of fifty dollars for each such offense.

—for purchasing from manufacturer, not having paid special tax.

SEC. 12. That every person who knowingly purchases or receives for sale any oleomargarine 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 articles so purchased or received, or of the full value thereof.

Stamps on emptied packages to be destroyed.

SEC. 13. That whenever any stamped package containing oleomargarine in emptied, it shall be the duty of the person in whose hands the same is to destroy utterly the stamps thereon;

Penalties.

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 oleomargarine, any such stamped package, 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 oleomargarine package upon which the tax-paid stamp is found.

Chemists and microscopists to be appointed.

SEC. 14. That there shall be in the office of the Commissioner of Internal Revenue an analytical chemist and a microscopist, who shall each be appointed by the Secretary of the Treasury, and shall each receive a salary of two thousand five hundred dollars per annum;

And the Commissioner of Internal Revenue may, whenever in his judgment the necessities of the service so require, employ chemists and microscopists, to be paid such compensation as he may deem proper, not exceeding in the aggregate any appropriation made for that purpose.

Commissioner of Internal Revenue to decide what articles to be taxed.

And such Commissioner is authorized to decide what substances, extracts, mixtures, or compounds which may be submitted for his inspection in contested cases are to be taxed under this act; and his decision in matters of taxation under this act shall be final.

—decision as to substances being deleterious subject to review by a board, &c.

The Commissioner may also decide whether any substance made in imitation or semblance of butter, and intended for human consumption, contains ingredients deleterious to the public health; but in case of doubt or contest his decisions in this class of cases may be appealed from to a board hereby constituted for the purpose, and composed of the Surgeon-General of the Army, the Surgeon-General of the Navy, and the Commissioner of Agriculture; and the decisions of this board shall be final in the premises.

1889, Feb. 9, ch. 122, post, p. 641.

Packages forfeited if not stamped; or if deleterious.

SEC. 15. That all packages of oleomargarine subject to tax under this act, that shall be found without stamps or marks as herein provided, and all oleomargarine intended for human consumption which contains ingredients adjudged, as hereinbefore provided, to be deleterious to the public health, shall be forfeited to the United States.

Penalty for willfully removing stamps, &c.

Any person who shall willfully remove or deface the stamps, marks, or brands on package containing oleomargarine taxed as pro-

vided herein shall be guilty of a misdemeanor, and shall be punished by a fine of not less than one hundred dollars nor more than two thousand dollars, and by imprisonment for not less than thirty days nor more than six months.

SEC. 16. That oleomargarine 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 and the filing of such bonds and other security as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may prescribe. Every person who shall export oleomargarine shall brand upon every tub, firkin, or other package containing such article the word "oleomargarine", in plain Roman letters not less than one-half inch square. Export regulations.

SEC. 17. That whenever any person engaged in carrying on the business of manufacturing oleomargarine defrauds, or attempts to defraud, the United States of the tax on the oleomargarine produced by him, or any part thereof, he shall forfeit the factory and manufacturing apparatus used by him, and all oleomargarine and all raw material for the production of oleomargarine found in the factory and on the factory 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. Penalty on manufacturer for defrauding.

SEC. 18. That if any manufacturer of oleomargarine, any dealer therein or any importer or exporter thereof 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 act prohibited, if there be no specific penalty or punishment imposed by any other section of this act 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 the manufacturer of or a wholesale dealer in oleomargarine, all the oleomargarine owned by him, or in which he has any interest as owner, shall be forfeited to the United States. —for failure to comply with regulations, &c.

SEC. 19. That all fines, penalties, and forfeitures imposed by this act may be recovered in any court of competent jurisdiction. Recovery of fines.

SEC. 20. That the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may make all needful regulations for the carrying into effect of this act. Regulations.
1890, Oct. 1, ch.
1244, § 41, post, p.
866.

SEC. 21. That this act shall go into effect on the nienetieth day after its passage; When act takes effect.

And all wooden packages containing ten or more pounds of oleomargarine found on the premises of any dealer on or after the nienetieth day succeeding the date of this act shall be deemed to be taxable under section eight of this act, and shall be taxed, and shall have affixed thereto the stamps, marks, and brands required by this act or by regulations made pursuant to this act; Tax of stock on hand.

And for the purposes of securing the affixing of the stamps, marks, and brands required by this act, the oleomargarine shall be regarded as having been manufactured and sold, or removed from the manufactory for consumption or use, on or after the day this act takes effect;

And such stock on hand at the time of the taking effect of this act may be stamped, marked, and branded under special regulations of the Commissioner of Internal Revenue, approved by the Secretary of the Treasury; and the Commissioner of Internal Revenue may authorize the holder of such packages to mark and brand the same and to affix thereto the proper tax-paid stamps. [August 2, 1886].

August 2, 1886. **CHAP. 842.**—An act to provide for the appointment and compensation of a district judge for the southern district of Alabama.

24 Stat. L., 213.

District judge for southern district of Alabama.

R. S., § 552.

1874, June 22, ch. 401, *ante*, p. 38. Salary.

—for northern and middle districts.

Be it enacted, &c., That there shall be appointed by the President of the United States, by and with the advice and consent of the Senate, a district judge for the southern judicial district of the State of Alabama;

1884, May 2, ch. 38, *ante*, p. 427. 1890, June 26, ch. 631, *post*, p. 760.

And that said judge shall be entitled to receive a yearly salary of (1) three thousand five hundred dollars, payable quarterly.

SEC. 2. That the jurisdiction of the present district judge for the several districts of Alabama, and his successors, shall hereafter be confined to the northern and middle districts of said State. [*August 2, 1886.*]

NOTE.—(1) Increased to \$5,000 by 1891, Feb. 24, ch. 287, *post*, p. 896. The salaries of district judges are payable monthly, by 1861, March 3, ch. 130, par. 4, *ante*, p. 330.

August 3, 1886.

CHAP. 848.—An act to provide for term of court in Colorado.

24 Stat. L., 214.

Colorado, terms of circuit and district courts in.

R. S., §§ 572, 658.

1876, June 26, ch. 147, *ante*, p. 106.

1890, April 20, ch. 58, *ante*, p. 281. Repeal.

Be it enacted, &c., That terms of the circuit and district courts of the United States for the district of Colorado shall be held at the times and places hereinafter designated, namely:

At Denver, on the first Tuesday in May and the first Tuesday in November in each year;

At Pueblo, on the first Tuesday in April in each year;

At Del Norte, on the first Tuesday in August in each year.

SEC. 2. That acts inconsistent with this act are hereby repealed, but such repeal shall not affect any term of court now in progress.

Any court now being held in said district pursuant to any act of Congress may be continued in the same manner and with like effect as if this act had not been passed. [*August 3, 1886.*]

August 4, 1886.

CHAP. 895.—An act to establish a land-office at Lamar, Colorado.

24 Stat. L., 218.

Be it enacted, &c., That all that portion of the State of Colorado bounded and described as follows:

Colorado: Bent land-district established.

R. S., § 2256, p. 412.

1874, June 20, ch. 341, *ante*, p. 26.

1890, Feb. 6, ch. 7, *post*, p. 704.

Commencing at a point on the eastern boundary-line of said State where the second correction-line south intersects said boundary-line, and running thence on said second correction-line south to the line dividing ranges numbered fifty-two and fifty-three; thence south on said range-line to the southern boundary-line of said State; thence east on the southern boundary-line of said State to the eastern boundary-line of said State; thence north on the eastern boundary-line of said State to the place of beginning, be, and is hereby, constituted a new and separate land district, to be called the Bent land-district, the land office for which shall be located in the town of Lamar, county of Bent, in the said State of Colorado.

Office at Lamar.

Register and receiver.

SEC. 2. That the President, by and with the advice and consent of the Senate, shall appoint a register and a receiver of public moneys for said district; and said officers shall reside in the place where said land office is located, and shall have the same powers and shall discharge similar duties and receive the same fees and emoluments as other officers discharging like duties in the other land-offices of the State of Colorado. [*August 4, 1886.*]

CHAP. 896.—An act to provide for the inspection of tobacco, cigars, and snuff, and to repeal section three thousand one hundred and fifty-one of the Revised Statutes.

August 4, 1886.

24 Stat. L., 218.

Be it enacted, &c., That manufactured tobacco, snuff, and cigars may be removed for export to a foreign country without payment of tax, under such regulations, and the making of such entries, and the filing of such bonds and bills of lading as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe.

Manufactured tobacco, snuff, and cigars, may be exported without paying tax.

1875, Feb. 8, ch. 36, § 24, *ante*, p. 61.
1883, Jan. 13, ch. 24, § 2, *ante*, p. 848.

1882, Aug. 8, ch. 468, *ante*, p. 385. 1883, Jan. 13, ch. 24, *ante*, p. 391. 1890, Oct. 9, ch. 1244, par. 493, *post*, p. 848.

SEC. 2. That section thirty-one hundred and fifty-one, of the Revised Statutes of the United States is hereby repealed.

Inspectors of tobacco and cigars abolished.

SEC. 3. That this act shall take effect on the first day of the second calendar month succeeding that in which it is approved. [August 4, 1886.]

Repeal of R. S., § 5151. When act takes effect.

CHAP. 899.—An act to amend the pension laws by increasing the pensions of soldiers and sailors who have lost an arm or leg in the service. (1)

August 4, 1886.

24 Stat. L., 220.

Be it enacted, &c., That from and after the passage of this act all persons on the pension rolls, and all persons hereafter granted a pension, who, while in the military or naval service of the United States and in line of duty, shall have lost one hand or one foot, or been totally disabled in the same, shall receive a pension of thirty dollars a month;

Pensions for loss of hand or foot.

R. S., § 4698.
1883, March 3, ch. 91, *ante*, p. 399.

That all persons now on the pension rolls, and all persons hereafter granted a pension, who in like manner shall have lost either an arm at or above the elbow or a leg at or above the knee, or been totally disabled in the same, shall receive a pension of thirty-six dollars per month;

— of arm at or above elbow; leg at or above knee.

And that all persons now on the pension rolls, and all persons, hereafter granted a pension who in like manner shall have lost either an arm at the shoulder joint or a leg at the hip-joint, or so near the joint as to prevent the use of an artificial limb, shall receive a pension at the rate of forty-five dollars per month:

— of arm at shoulder; of leg at hip.

Provided, That nothing contained in this act shall be construed to repeal section forty-six hundred and ninety-nine of the Revised Statutes of the United States, or to (1) change the rate of eighteen dollars per month therein mentioned to be proportionately divided for any degree of disability established for which section forty-six hundred and ninety-five makes no provision. [August 4, 1886.]

R. S., § 4699, not repealed.

NOTE.—(1) See note to 1883, March 3, ch. 91, *ante*, p. 399.

CHAP. 901.—An act to extend the system for the immediate delivery of letters, and amendment of sections three, four, and five of the act approved March third, eighteen hundred and eighty-five, entitled "An act making appropriations for the service of the Post-Office Department for the fiscal year ending June thirtieth, eighteen hundred and eighty-six, and for other purposes."

August 4, 1886.

24 Stat. L., 220.

Be it enacted, &c., That every article of mailable matter upon which the special stamp provided for by section three of the act of Congress approved March third, eighteen hundred and eighty-five, entitled "An act making appropriations for the service of the Post-Office Department for the fiscal year ending June thirtieth, eighteen hundred and eighty-six, and for other purposes," shall be duly affixed, shall be entitled to immediate delivery, according to said act within the carrier-delivery limit of any free-delivery office, and within one mile of any other post-office which the Postmaster-General shall at any time designate as a special-delivery post-office.

Immediate delivery extended to all mailable matter.

1885, March 3, ch. 342, § 3-6, *ante*, p. 494.
1889, Jan. 16, ch. 50, *post*, p. 638.

Postmaster responsible for delivery, &c.

The postmaster shall be responsible for such immediate delivery of every such article, and shall cause delivery to be made of all such articles received at his office bearing such stamp and entitled to delivery thereat, and may employ any persons, including clerks and assistants, at third and fourth class offices, as messengers, on such terms as he shall fix as compensation for such delivery;

— allowance to.

And to defray the expense thereof, such postmaster shall be entitled, upon the adjustment of his quarterly account, to eighty per centum of the face value of all such special-delivery stamps received at his office and recorded, according to said act and regulations of the Post-Office Department during the quarter; and such allowance shall be in full of all the expenses of such delivery:

Free-delivery offices may employ special messengers.

Provided, That the Postmaster-General may, in his discretion, direct any free-delivery office to be excepted from the foregoing provision, and require the delivery to be made entirely by special messengers, according to the provisions of the act to which this is amendatory:

Contracts for delivery may be made.

And provided further, That he may contract for the immediate delivery of all articles from any post-office at any price less than eight cents per piece, when he shall deem it expedient.

Postmaster-General to prescribe regulations.

SEC. 2. That the Postmaster-General shall prescribe suitable regulations, not inconsistent with law, for the performance of the immediate-delivery service, the keeping of the records and rendering of accounts thereof, and all matters connected therewith, and may prescribe the hours within which such immediate delivery shall be made at any post-office.

False return by postmasters; penalty.

SEC. 3. That any postmaster, or any assistant postmaster, clerk, or employee of a postmaster, who shall make any false return or record of the receipt or delivery of any article ofailable matter as being stamped with a special-delivery stamp, or shall make any false return of the number of articles specially delivered from his office, for the purpose of increasing his compensation under the provisions of this act, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be fined not less than one hundred dollars nor more than five hundred dollars, or imprisoned for a term of not less than thirty days nor more than one year, or both such fine and imprisonment at the discretion of the court;

— in such cases compensation may be fixed absolutely.

And whenever, upon evidence deemed satisfactory to him, the Postmaster-General shall determine that any such false return has been made, he may, by order, fix absolutely the compensation of the postmaster for such special delivery during any quarter or quarters which he shall deem affected by such false return, and the Auditor shall adjust the postmaster's account accordingly.

Persons making immediate delivery deemed in postal service.

SEC. 4. That any person employed to make immediate delivery of letters or other mail-matter under the provisions of this act, or the act of which the same is amendatory, shall be deemed an employee of the postal service, whether he may have been sworn or not, or temporarily or permanently employed, and as such employee shall be liable to any penalties or punishments provided by law for the improper detention, delay, secretion, rifling, embezzlement, purloining, or destruction of any letter or other article of mail-matter, or the contents thereof, intrusted to him for delivery or placed in his custody. [August 4, 1886.]

R. S., §§ 5463-5480.

August 4, 1886.

CHAP. 902.—An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and eighty-seven, and for other purposes.

24 Stat. L., 222.

Receipts of Bureau of Engraving and Printing for miscellaneous

*Be it enacted, &c., * * [Par. 1.]* Hereafter receipts for miscellaneous work authorized by law to be performed by the Bureau of Engraving and Printing for the several Departments of the Govern-

ment, and the amounts properly chargeable to national banks for engraving their plates shall be deposited, and covered into the Treasury as miscellaneous receipts. * *

[Par. 2.] And hereafter the estimates for the support of the Home for Disabled Volunteer Soldiers shall be submitted by items. (1) * *

[Par. 3.] And hereafter the scientific reports known as the monographs and bulletins of the Geological Survey shall not be published until specific and detailed estimates are made therefor, and specific appropriations made in pursuance of such estimates; and no engraving for the annual reports or for such monographs and bulletins, or of illustrations, sections, and maps, shall be done until specific estimates are submitted therefor and specific appropriations made based on such estimates: * *

[Par. 4.] That all printing and engraving for the Geological Survey, the Coast and Geodetic Survey, the Hydrographic Office of the Navy Department, and the Signal Service shall hereafter be estimated for separately and in detail, and appropriated for separately for each of said Bureaus. * * [August 4, 1886.]

NOTE.—(1) See note on Volunteer Soldier's Home, appended to 1875, March 3, ch. 129, par. 6, ante, p. 71.

works to be covered into Treasury.

1879, Dec. 22, ch. 2, ante, p. 275. R. S., § 173. Estimates for Soldiers' Home to be by items.

R. S., § 4825. Bulletins, &c., of Geological Survey not to be printed until specifically appropriated for, &c.

1879, March 3, ch. 182, § 1, par. 11, ante, p. 252; 1887, No. 16, post, p. 575.

Printing, &c., for bureaus to be estimated for separately.

1878, June 20, ch. 359, par. 1, 11, ante, p. 252.

CHAP. 903.—An act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June thirtieth, eighteen hundred and eighty-six, and for prior years, and for other purposes.

Be it enacted, &c., * * [Par. 1.] To pay * * for making plates and publishing weather maps, * * ; and hereafter none of such work shall be done except under specific appropriations therefor made in advance. * *

[Par. 2.] Naval Academy. * * That no part of this sum, or of any other appropriation by Congress for expenses of the Board of Visitors, shall be used to pay for intoxicating liquors. * *

[Par. 3.] That for issuing any warrant or writ and for any other necessary service commissioners may be paid the same compensation as is allowed to clerks for like services, but they shall not be entitled to any docket-fees. * * [August 4, 1886.]

August 4, 1886.

24 Stat. L., 256.

Weather maps to be published only under specific appropriations.

1890, Oct. 1, ch. § 9, post, p. 881.

Visitors to Naval Academy; no intoxicating liquors.

U. S. Commissioners not to have docket fees.

R. S., § 847. 140 U. S., 142.

CHAP. 928.—An act to detach certain counties from the United States judicial district of California, and create the United States judicial district of southern California.

Be it enacted, &c., That all that portion of the State of California now comprised in the counties of San Diego, San Bernardino, Los Angeles, Ventura, Santa Barbara, San Luis Obispo, Fresno, Tulare, and Kern is hereby detached from the United States judicial district of California, and made a separate judicial district, called the southern district of California.

SEC. 2. That the regular terms of the circuit and district courts of the United States, respectively, shall be held at Los Angeles, in said southern district of California, beginning on the second Monday in August and the second Monday in January in each year.

SEC. 3. That the district of California shall hereafter consist of all of the counties of said State not named in this act, and shall hereafter be called the northern district of California;

August 5, 1886.

24 Stat. L., 308.

California, southern judicial district established.

R. S., § 531.

Terms of courts.

Northern district.

Terms of court.
1876, Feb. 18, ch.
11, ante, p. 98.

Act not to affect
judgments, etc.

Final process in
pending causes.

District judge.
1881, March 3,
ch. 130, par. 4,
ante, p. 320.
1891, Feb. 24, ch.
287, post, p. 896.
Marshal, district
attorney.
R. S. §§ 771, 787,
824, 829.

Clerks.
R. S., § 828.
1889, Feb. 6, ch.
113, § 3, post, p.
639.

Transcripts of
records.

Tenure of office
of present incumbents
not affected.

And the circuit and district courts shall be held therein at San Francisco as follows: Beginning on the first Monday in February, the second Monday in July, and the fourth Monday in November in each year.

SECS. 4, 5. [*Relate to pending cases.*]

SEC. 6. That the passage of this act shall not have the effect to destroy or impair the lien of any judgment or decree rendered in the circuit or district court of the United States for the present district of California prior to this act taking effect;

And final process on any judgment or decree entered in the circuit or district court of the United States for the district of California, or which shall be entered therein prior to this act taking effect, and all other process for the enforcement of any order of said courts, respectively, in any cause or proceeding now pending therein except on proceedings removed as herein provided, shall be issued and made returnable to the proper court for the said northern district of California, and may be directed to and executed by the marshal of the United States for the said northern district in any part of the State of California.

SEC. 7. That there shall be appointed a district judge for said southern district of California, who shall reside therein, and who shall receive an annual salary of four thousand dollars, payable quarterly from the Treasury;

And there shall also be appointed a marshal and attorney of the United States for said southern district of California, who shall respectively, receive such fees and compensation and exercise such powers and duties as are now fixed and enjoined by law.

SEC. 8. That the circuit and district judges of said southern district of California shall each, respectively, appoint a clerk for their respective courts, who shall reside and keep their office at Los Angeles, in said district, and who shall receive such fees and compensation for services performed by them, respectively, as are now fixed and limited by law.

SEC. 9. That either of the clerks of the circuit and district courts for the said northern district of California is hereby authorized, at the request of the district judge of said southern district, and at the cost of the parties requiring the same, to make transcripts of any of the records, files, or papers of the district and circuit courts of the United States, remaining in the office of the clerks of the present district of California, and of all matters and proceedings which relate to or concern liens upon or titles to real estate situated in said southern district; and such transcripts, when so made by either of said clerks, shall be certified to be true and correct by the clerk making the same, and the same, when so made and certified, and filed in the proper court, shall constitute the record in such court, and shall be evidence in all courts and places equally with said originals.

SEC. 10. That nothing in this act shall in any manner affect the tenure of office of the judge, marshal, United States attorney, or other officers of the present district of California, who shall, respectively, be entitled to the same salaries, fees, and emoluments provided by law.

SEC. 11. [*Relates to past offenses.*] [August 5, 1886.]

August 5, 1886.

24 Stat. L., 329.

CHAP. 929.—An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Harbor lines to
be established.

Be it enacted, &c. * * SEC. 2. That in places where harbor-lines have not been established, and where deposits of debris of mines or stamp works can be made without injury to navigation, within lines

to be established by the Secretary of War, said officer may, and is hereby authorized to, cause such lines to be established; and within such lines such deposits may be made, under regulations to be from time to time prescribed by him.

1890, Sept. 19, ch. 907, §§ 8, 12, *post*, pp. 802, 803.

SEC. 8. That the Secretary of War shall report to Congress, at its next and each succeeding session thereof, the name and place of residence of each civilian engineer employed in the work of improving rivers and harbors by means and as the result of appropriations made in this and succeeding river and harbor appropriation bills, the time so employed, the compensation paid, and the place at and work on which employed. [August 5, 1886.]

Names of civilian engineers to be reported to Congress, &c.
R. S., § 5253.

CHAP. 931.—An act amendatory of and supplementary to "An act to alter the judicial districts of Pennsylvania, and for other purposes," (1) approved May twenty-sixth, eighteen hundred and twenty-four, and providing an additional place for holding the several courts thereof.

August 5, 1886.

24 Stat. L., 336.

Be it enacted, &c. That besides the terms of the circuit and district courts of the western judicial district of Pennsylvania now directed by law to be held in said western district, there shall be held two terms of each of said courts in every year at Scranton, in the county of Lackawanna, which shall commence the first Mondays of the months of March and September in each and every year, beginning in September next.

Pennsylvania circuit and district court for western district to be held at Scranton.
R. S., §§ 572, 658.

SEC. 2. That the marshal of said western judicial district shall for the time being, and with the approval of the Attorney-General, provide a suitable place at the city of Scranton for holding the several courts and for keeping the records thereof. [August 5, 1886.]

Marshal to provide place for court, &c.

NOTE.—(1) The act of 1894, May 26 (13 Stat. L., 50), here referred to, is incorporated with others in Revised Statutes, §§ 545, 572, 658.

CHAP. 932.—An act in relation to the western judicial district of Wisconsin.

August 5, 1886.

24 Stat. L., 337.

Be it enacted, &c. That the regular terms of the circuit and district courts in the western district of Wisconsin shall be held at the times and places following:

Wisconsin western judicial district.

At Eau Claire, on the first Tuesday in June;

Time for holding courts changed.

At La Crosse, on the third Tuesday in September; and at Madison, on the first Tuesday in December in each year;

R. S., §§ 572, 658.

And the clerk residing at Madison shall attend all terms of said courts at Eau Claire as clerk thereof. [August 5, 1886.]

RESOLUTIONS.

NUMBER 11.—Joint resolution authorizing the printing of Committee reports.

April 15, 1886.

24 Stat. L., 341.

Resolved, &c., That the reports of committees, the evidence and papers submitted therewith, or any part thereof, printed by order of Congress, may be reprinted at the Public Printing Office, at the instance of Senators, Representatives, and Delegates in Congress, upon payment in advance to the Public Printer of the cost thereof with ten per centum added, the same as if originally printed in the Congressional Record. [April 15, 1886.]

Reports of committees may be reprinted upon payment of cost, &c.
R. S., § 3809.
1875, March 3, ch. 129, par. 3, *ante*, p. 71.

May 1, 1886.

24 Stat. L., 342.

NUMBER 12.—Joint resolution to amend the statute in relation to the immediate transportation of dutiable goods, and for other purposes, approved June tenth, eighteen hundred and eighty, so that the provisions of the same shall be extended to the port of Key West, Florida, and the provisions of the seventh section of the statute be extended to the port of Tampa, Florida.

Key West and Tampa, Florida, to have immediate transportation.

1880, June 10, ch. 190, § 7, *ante*, p. 294.

1887, Feb. 28, ch. 275, *post*, p. 547.

1889, Mar. 1, ch. 311, *post*, p. 652.

1890, April 3, ch. 62, *post*, p. 711.

Resolved, &c., That the provisions of the first and seventh sections of the act entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," approved June tenth, eighteen hundred and eighty, be extended to the port of Key West, Florida;

And that the provisions of the seventh section of the same act be extended to Tampa, Florida.

And all the other provisions of said act shall apply to both said ports and to all goods and merchandise therein mentioned. [*May 1, 1886.*]

June 28, 1886.

24 Stat. L., 342.

NUMBER 15.—Joint resolution fixing the time when the pay of certain clerks to committees of House of Representatives shall begin.

House committee clerks to have pay from date of entering upon duties.

1875, March 3, ch. 129, par. 1, *ante*, p. 71.

Resolved, &c., That the pay of the clerks to committees of the House of Representatives which have been or may be hereafter authorized by the House, who are paid during the session only shall begin from the time such clerks entered upon the discharge of their duties, which shall be ascertained and evidenced by the certificate of the chairman of the several committees employing clerks for the session only. [*June 28, 1886.*]

July 28, 1886.

24 Stat. L., 345.

NUMBER 26.—Joint resolution directing the Public Printer to forward the Congressional Record to our legations abroad.

Congressional Record to be sent to legations.

R. S., § 504.

1884, March 31, ch. 18, and note, *ante*, p. 424.

Resolved, &c., That the Public Printer be, and he is hereby, authorized and directed to forward, free of charge, through the Department of State, one copy of the daily Congressional Record to each of our legations abroad, commencing at the beginning of the present session. [*July 28, 1886.*]

July 29, 1886.

24 Stat. L., 346.

NUMBER 27.—Joint resolution authorizing the preparation of a compilation of the reports of committees of the Senate and House of Representatives.

Reports of committees to be indexed and bound.

Resolved, &c., [*Omitted part is temporary and executed.*]

Resolved, further, That the Clerk of the House and Secretary of the Senate be, and they are hereby directed, to procure and file, for the use of their respective Houses, copies of all reports made by each committee of all succeeding Congresses; and that the Clerk of the House and the Secretary of the Senate be, and they are hereby, authorized and directed at the close of each session of Congress, to cause said reports to be indexed and bound, one copy to be deposited in the library of each House and one copy in the room of the committee from which the reports emanated. [*July 29, 1886.*]

FORTY-NINTH CONGRESS—SECOND SESSION

IN

THE YEARS 1886-1887.

CHAP. 2.—An act for the relief of graduates of the United States Military Academy, and to fix their pay. Dec. 20, 1886.

Be it enacted, &c., That every cadet who has heretofore graduated or may hereafter graduate at the West Point Military Academy, and who has been or may hereafter be commissioned a second lieutenant in the Army of the United States, under the laws appointing such graduates to the Army, shall be allowed full pay as second lieutenant from the date of his graduation to the date of his acceptance of and qualification under his commission and during his graduation leave, in accordance with the uniform practice which has prevailed since the establishment of the Military Academy. [*December 20, 1886.*]

24 Stat. L., 351.
Military Academy graduates to receive pay as second lieutenants from graduation.
R. S., §§ 1213, 1215.
1878, June 18, ch. 263, § 3, *ante*, p. 188.
1886, May 17, ch. 333, *ante*, p. 491.

CHAP. 9.—An act amending sections forty-seven hundred and fifty-six and forty-seven hundred and fifty-seven of the Revised Statutes, relating to pensions to certain disabled persons who have served in the Navy or Marine Corps. Dec. 23, 1886.

Be it enacted, &c., That section forty-seven hundred and fifty-six and section forty-seven hundred and fifty-seven of the Revised Statutes of the United States be, and the same are hereby, amended by inserting the words “or as an appointed petty officer, or both,” after the words “as an enlisted person” in the former section, and after the words “as an enlisted man” in the latter section. [*December 23, 1886.*]

24 Stat. L., 353.
Petty officers of navy to receive same pension as enlisted men.
R. S., §§ 4756, 4757.

CHAP. 12.—An act to amend section four thousand four hundred and fourteen of the Revised Statutes, relating to inspectors of hulls and boilers. Jan. 3, 1887.

Be it enacted, &c., That section forty-four hundred and fourteen of the Revised Statutes is hereby amended by inserting, after the word “Savannah”, in the second line of the sixth paragraph of said section, the words “Duluth, Minnesota”. [*January 3, 1887.*]

24 Stat. L., 354.
Inspector of hulls and boilers at Duluth, Minn., to be appointed.
R. S., § 4414.

CHAP. 13.—An act to amend the act entitled “An act to modify the postal money-order system, and for other purposes,” approved March third, eighteen hundred and eighty-three. Jan. 3, 1887.

Be it enacted, &c., That the first section of the act entitled “An act to modify the postal money-order system, and for other purposes,” be amended so as to read as follows:

“That for the transmission of small sums under five dollars through the mails the Postmaster-General may authorize postmasters at money-order offices, or at such other offices as he may designate, to issue money-orders, without corresponding advices, on an engraved form to be prescribed and furnished by him; and a money-order issued on such new form shall be designated and known as a

Postal notes.
Substitute for 1883, March 3, ch. 123, § 1, (22 Stat. L., 526).
R. S., § 4029.
1883, March 3, ch. 123, §§ 2, 4, 5, *ante*, pp. 405-407.

“postal note,” and a fee of three cents shall be charged for the issue thereof.

—payable at any money-order office, &c.

Every postmaster who shall issue a postal note under the authority of the Postmaster-General shall make the same payable to bearer, when duly receipted, at any money-order office; and after a postal note has once been paid, to whomsoever it has been paid, the United States shall not be liable for any further claim for the amount thereof;

—when duplicate may be obtained.

But a postal note shall become invalid and not payable upon the expiration of three calendar months from the last day of the month during which the same was issued; and the holder, to obtain the amount of an invalid postal-note must forward it to the Superintendent of the Money-Order System, at Washington, District of Columbia, together with an application, in such manner and form as the Postmaster-General may prescribe, for a duplicate thereof, payable to such holder; and an additional fee of three cents shall be charged and exacted for the issue of the duplicate:

Laws relative to, to apply to all offices of issue.

Provided, That all provisions of law applicable to the issue of postal notes at money order offices, and to postmasters, clerks and other employees therein, shall be equally applicable to offices authorized to issue postal notes under this act.”

Penalty for forging, &c., postal money-orders, postal notes, &c., domestic or foreign.

SEC. 2. That section fifty-four hundred and sixty-three of the Revised Statutes be amended so as to read as follows, to wit:

Substitute for R. S., § 5463. 1888, June 18, ch. 394, § 2, post, p. 593. 14 Blatch., 128. 16 Blatch., 133. 26 Fed. Rep., 431.

SEC. 5463. Any person who shall, with intent to defraud, falsely make, forge, counterfeit, engrave, or print, or cause or procure to be falsely made, forged, counterfeited, engraved, or printed, or willingly aid or assist in falsely making, forging, counterfeiting, engraving, or printing, any order in imitation of, or purporting to be, a money-order or postal-note issued by or under the direction of the Post-Office Department of the United States, or of any foreign country, and payable in the United States, or any material signature or indorsement thereon; or any material signature upon any receipt or certificate of identification thereon;

Any person who shall falsely alter, or cause or procure to be falsely altered, or willingly aid or assist in falsely altering any such money-order or postal-note;

Any person who shall, with intent to defraud, pass, utter, or publish, or attempt to pass, utter, or publish, as true, any such false, forged, counterfeited, or altered money-order or postal note, knowing the same, or any signature or indorsement thereon, to be false, forged, counterfeited or altered,

Shall be punishable by a fine of not more than five thousand dollars, or by imprisonment at hard labor for not less than two years and not more than five years.” [January 3, 1887.]

January 3, 1887.

CHAP. 14.—An act to extend the free-delivery system of the Post-Office Department, and for other purposes.

24 Stat. L., 255.

Free-delivery, at what places provided.

Be it enacted, &c., That letter-carriers shall be employed for the free delivery of mail-matter, as frequently as the public business may require, at every incorporated city, village, or borough containing a population of fifty thousand within its corporate limits, and may be so employed at every place containing a population of not less than ten thousand, within its corporate limits, according to the last general census, taken by authority of State or United States law, or at any post-office which produced a gross revenue, for the preceding fiscal year, of not less than ten thousand dollars:

R. S., §§ 3865, 3866.

1884, June 27, ch. 126, ante, p. 446.

Provided, This act shall not affect the existence of the free delivery in places where it is now established: And provided further,

—now established not affected.

—not abolished by decrease of

That in offices where the free delivery shall be established under the provisions of this act, such free delivery shall not be abolished

by reason of decrease below ten thousand in population or ten thousand dollars in gross postal revenue, except in the discretion of the Postmaster-General.

population or revenue.

SEC. 2. That there may be in all cities which contain a population of seventy-five thousand or more three classes of letter-carriers, as follows: Carriers of the first class, whose salaries shall be one thousand dollars per annum; of the second class, whose salaries shall be eight hundred dollars per annum, and of the third class, whose salaries shall be six hundred dollars per annum.

Carriers, how classified, in cities of 75,000 population.

1882, Aug. 2, ch. 373, ante, p. 363. 1888, May 24, ch. 308, post, p. 587. —in cities less than 75,000 population.

SEC. 3. That in places containing a population of less than seventy-five thousand there may be two classes of letter-carriers, as follows: Carriers of the second class, whose salaries shall be eight hundred and fifty dollars per annum, and of the third class, whose salaries shall be six hundred dollars per annum.

SEC. 4. That all laws inconsistent herewith are hereby repealed. [January 3, 1887.]

Repeal.

CHAP. 25.—An act to amend the law relating to the bonds of executors in the District of Columbia.

Jan. 17, 1887.

24 Stat. L., 361.

Be it enacted, &c., That whenever hereafter a testator shall, by last will and testament, request that his executor or executors be not required to give bond for the performance of his or their duty as such executor or executors, then and in such case the bond required of such executor or executors shall be in such penalty as the court may consider sufficient to secure the payment of the debts due by said testator; and said bond shall be conditioned accordingly, and shall be in no other or greater penalty:

In District of Columbia; bonds of executors when testator requests no bonds to be required.

Provided, however, That the penalty of this bond shall not exceed double the value of the estate; and when less than this sum, may be increased, or an additional bond be required, whenever it shall be made to appear to the court that the bond as given is insufficient to secure the payment of the debts of the testator:

—in that case penalty not to exceed double value of estate, &c.

And provided further, That whenever any creditor or distributee or legatee entitled to take under the said will shall make it appear to the court that any executor who has given such bond only as is herein provided for is wasting the assets of the estate, or that the assets in the hands of such executor are in danger of being lost, wasted or misappropriated, then and in such case the court shall have power to remove said executor or require him to give additional bond, with security in penalty sufficient to secure the interests of all the creditors and distributees or legatees entitled to take as aforesaid, and conditioned accordingly; and on his failure to give bond or bonds as aforesaid, as required by the court, within a time named by such court, his letters testamentary shall be revoked forthwith.

Court may require additional bond, or remove executor in case of waste. &c. R. S. of D. C., §§ 974-978.

SEC. 2. That any will hereafter executed devising real estate in the District of Columbia from which it shall appear that it was the intention of the testator to devise property acquired after the execution of the will, shall be deemed, taken and held to operate as a valid devise of all such property. [January 17, 1887.]

After-acquired real estate may be devised by will. 1888, July 9, ch. 597, post, p. 596.

CHAP. 41.—An act relating to sales for taxes in the District of Columbia.

Jan. 26, 1887.

24 Stat. L., 364.

Be it enacted, &c., That hereafter sales of real estate, after advertisement as required by law, by the collector of taxes for the District of Columbia, for taxes or assessments that have been or may be levied by the Commissioners of said District, or by other lawful au-

District of Columbia; deed of land sold for taxes to be presumptive evidence, &c.

R. S. of D. C., §§ 153-187.
 1877, March 3, ch. 117, § 5, *ante*, p. 143.
 1878, June 11, ch. 180, § 4, *ante*, p. 176.
 1890, March 19, ch. 40, *post*, p. 709.

thority, shall entitle the purchaser, his heirs or assigns, if the property be not redeemed within two years from the date of such sale, to a deed from the Commissioners of the District, which deed shall vest in the grantee a good and valid title, and shall be presumptive evidence in all controversies in relation thereto that the property so conveyed was subject to the taxes for which the property was sold, that such taxes were not paid, and that the property was not redeemed before the execution of the deed, and that the manner of levy, notice, sale, and all the other prerequisites of law were complied with necessary and proper to make such deed and title valid. [January 26, 1887.]

January 26, 1887. CHAP. 45.—An act for the further protection of property from fire, and safety of lives, in the District of Columbia.
 24 Stat. L., 365.

District Columbia, certain buildings over 50 feet high to provide fire-escapes and stand-pipes.

R. S. of D. C., § 79.
 1878, June 14, ch. 194, *ante*, p. 181.

1887, March 3, ch. 390, *post*, p. 567.

Hallways and stairways to be lighted.

Be it enacted, &c., That it shall be the duty of the owner or owners, in fee or for life, of every building constructed and used, or intended to be used, as a hotel, factory, manufactory, theater, tenement-house, seminary, college, academy, hospital, asylum, hall, or place of amusement, and of the trustee or trustees of every estate, association, society, college, academy, school, hospital, or asylum owning or using any building fifty feet high or upwards, used for any of the purposes herein above mentioned, to provide and caused to be erected and affixed to said building iron fire-escapes and combined stand-pipes and ladders, or either of said appliances as may be approved and adopted by the Commissioners of the District of Columbia.

SEC. 2. That in all hotels, factories, manufactories, workshops, schools, seminaries, colleges, hospitals, asylums, halls, or places of amusement, or other places mentioned in this act, the hallways and stairways shall be properly lighted when occupied at night; and at the head and foot of each flight of stairs, and at the intersection of all hallways with main corridors, shall be kept during the night a red light;

Alarms.

And one or more proper alarms or gongs, capable of being heard throughout the building, shall always remain easy of access and ready for use in each of said buildings, to give notice to the inmates in case of fire;

Notices.

And there shall be kept posted in a conspicuous place in every sleeping-room a notice descriptive of such means of escape; and the building inspector and chief engineer of the fire department shall have the right to designate the location of the said fire-escapes and stand-pipes in conformity with this act, and shall grant certificates of approval to every person, firm, corporation, trustee, and board of school trustees complying with the requirements of this act, which certificates shall relieve the party or parties from the liabilities of fines or damages imposed by this act.

Penalty.

SEC. 3. That every person, corporation, trustee, or board of school directors neglecting or refusing to comply with the requirements of the first section of this act, upon receiving thirty days' notice of the same, shall be liable to a fine not exceeding one hundred dollars, to be collected as fines are now by law collected; and the building inspector and chief engineer shall cause to be erected upon said building said appliances as in their judgment may be necessary, and the same shall be charged and held as a lien against said property and collected the same as other improvements made by the District authorities;

Liability for neglect in case of fire.

And in case of fire occurring in any such building not provided with said appliances as may be required by the building inspector and chief engineer of the fire department, and in accordance with the requirements of the first section of this act, the person, persons,

trustee, trustees, corporation, or school directors who or which neglected to provide such building with said appliances as aforesaid shall be liable in an action for damages in case of death or personal injury being caused in consequence of such fire breaking out in said building; and such action may be maintained by any person or persons now authorized by law to sue, as in other cases for injuries caused by neglect of duty.

SEC. 4. That all acts or parts of acts inconsistent with this act are hereby repealed. [*January 26, 1887.*]

Repeal

CHAP. 46.—An act to regulate insurance in the District of Columbia.

Jan. 26, 1887.

Be it enacted, &c., That no company hereafter organized or incorporated within the District of Columbia shall transact the business of insurance in any of its branches unless the whole capital of such company be not less than one hundred thousand dollars, actually and in good faith paid up in full, in cash, excepting life-insurance companies which issue to their members policies or certificates agreeing to pay benefits or sums of money which are to be realized by assessments levied upon the members; no other capital than such assessments shall be required of them.

24 Stat. L., 366.
District of Columbia; insurance companies; capital required.
R. S. of D. C., §§ 553-598.

The Commissioners of said District, or any two of them, shall ascertain and determine such facts, upon evidence satisfactory to them to be filed in their office, and thereupon shall issue to such companies authority to transact business.

—authority to transact business, how obtained.

SEC. 2. That every insurance company doing business in said District must transmit to the Commissioners of the District a statement of its condition and business for the year ending on the preceding thirty-first day of December, which statement shall be rendered on the first day of January following or within sixty days thereafter, except that foreign companies shall transmit their statements of business, other than that done in the United States, prior to the following first day of July, which statements must be in form and state the particulars required by the blanks prescribed by the Commissioners;

Annual returns of condition, &c., to Commissioners.

And the Commissioners, or any two of them, may require at any time statements from any company doing business within the District, or from any of its officers or agents, on such points as they may deem necessary and proper to elicit a full exhibit of its business and standing, all of which statements herein required must be verified by the signatures and oaths of the president or vice-president, or the secretary or actuary.

Special statements.

No company having neglected to file a statement required of it within the time and manner prescribed shall do any business, after notification by the Commissioners, or any two of them, while such neglect continues; and any company or association neglecting to make and transmit any statement required shall forfeit one hundred dollars for each day's neglect.

Companies not filing statements not to do business.

SEC. 3. That every fire-insurance company, to entitle itself to the written authority by this act required to transact business in the District, shall have assets equal to its liabilities, including a reinsurance reserve liability equal to fifty per centum of premiums received upon one year-risk, and an amount proportioned to the unexpired time upon all other fire risks.

Assets of fire companies to equal liabilities, &c.

Every company doing an inland or marine business shall have assets equal to its liabilities, including a reinsurance reserve liability equal to the total premiums charged upon all unexpired inland or marine risks.

—of inland and marine companies.

Every life-insurance company, excepting those organized upon the plan of assessments on their members, shall have assets equal to its

—of life companies.

liabilities, including a reserve liability computed upon the basis of the American experience table of mortality, at four and one-half per centum interest.

Commissioners to ascertain compliance with law, and may revoke authority, &c.

Foreign companies not to transact business until an attorney in fact be appointed.

Before issuing any written authority to any company to transact business in the District, the Commissioners, or a majority of them, shall satisfy themselves that such company has complied with the law; and at any time thereafter they shall revoke such authority when satisfied that such company has fallen below such requirements.

SEC. 4. That no insurance company organized or incorporated under the laws of any of the United States of America, or of any foreign state or country, shall transact the business of insurance in any of its branches within the District of Columbia until such company shall have duly constituted some proper person domiciled in the District their agent and attorney-in-fact for the purpose of receiving for them summonses, writs, and processes issuing out of any court having any jurisdiction in said District, and until the evidence of such appointment of such agent and attorney-in-fact, authenticated in a manner satisfactory to the Commissioners of the District, or any two of them, shall be filed in the office of such Commissioners.

Penalty for transacting business without authority.

SEC. 5. That any insurance company, or any officer or agent of any insurance company, effecting any contract of insurance in behalf of such company when the written authority required by this act shall not have been given by said Commissioners, or after such authority has been revoked, shall be subject to a penalty of one hundred dollars for every offense, to be recovered by due process in the courts of the District.

Application to be attached to policy.

SEC. 6. That each insurance company doing business in the District of Columbia shall attach to each policy issued by such company a copy of the application made by the insured, so that the whole contract may appear in said application and policy.

To take effect in 90 days.

SEC. 7. That this act shall take effect and be in full force after ninety days from its passage. [January 26, 1887.]

Jan. 26, 1887.

24 Stat. L., 368.

District of Columbia real-estate agents not to pay tax on business.

Repealing in part

Laws of D. C., 1 Leg. Assembly, pp. 91, 99; and 2 Leg. Assembly, p. 63.

CHAP. 48.—An act to repeal parts of an act relating to tax on the business of real-estate agents in the District of Columbia, approved June twentieth, eighteen hundred and seventy-two.

Be it enacted, &c., That so much of clause thirty-eight of section twenty-one of the act of the legislative assembly of the District of Columbia entitled "An act imposing a license on trades, business, and professions practiced or carried on in the District of Columbia," approved August twenty-third, eighteen hundred and seventy-one, requiring real-estate agents to pay twenty-five dollars annually, and in addition a monthly tax of one-fourth per centum on gross receipts, as amended by the act amendatory thereof, approved June twentieth, eighteen hundred and seventy-two, as requires real-estate agents in said District to pay a tax of one per centum on their commissions in lieu of said monthly tax of one-fourth per centum on gross receipts, and so much of section fifteen of said act approved August twenty-third, eighteen hundred and seventy-one, as requires said real-estate agents to give bond to said District, and all other laws and acts, or parts thereof, inconsistent herewith, be, and the same are hereby, repealed;

—to pay annual license fee.

And from and after the passage of this act real-estate agents in the District of Columbia shall pay a license-fee of fifty dollars per annum, to be collected as other licenses are collected in said District. [January 26, 1887.]

CHAP. 49.—An act to authorize the Commissioners of the District of Columbia to make police regulations for the government of the District.

January 26, 1887.

24 Stat. L., 368.

Be it enacted, &c., That the Commissioners of the District of Columbia be, and they are hereby, authorized and empowered to make, modify, and enforce usual and reasonable police regulations in and for said District as follows:

Commissioners D. C. may make police regulations.

R. S. of D. C., § 335. 1878, June § 6, *ante*, p. 178.

11, ch. 180,

—pawnbrokers,

R. S. of D. C.,

§ 404. 1889.

ch. 531, *post*, p. 910.

First. For causing full inspection to be made, at any reasonable times, of the places where the business of pawnbroking, junk-dealing, or second-hand clothing business may be carried on.

—flammable substances.

March 2, ch. 413, *post*, p. 699. 1891, March 3, ch.

Second. To regulate the storage of highly inflammable substances in the thickly populated portions of the District.

—street vendors.

R. S. of D. C., § 404.

Third. To locate the places where licensed vendors on streets and public places shall stand, and change them as often as the public interests require, and to make all the necessary regulations governing their conduct upon the streets in relation to such business.

—carriage stands.

R. S. of D. C., § 404.

1878, June 11, ch.

180, § 8, *ante*, p. 175.

—hack charges.

Fourth. To make needful regulations for the orderly disposition of carriages or other vehicles assembled on streets or public places, and to require vehicles upon such streets and avenues as they deem necessary to pass along on the right side thereof.

Fifth. To establish and regulate the charges to be made by owners of hacks and hackney carriages of any kind whatsoever.

—droves of animals.

Sixth. To prohibit conducting droves of animals upon such streets and avenues as they may deem needful to public safety and good order.

Seventh. To regulate the keeping and running at large of dogs and fowls.

—dogs and fowls.

1880, April 24,

ante, pp. 304, 306.

Res. No. 25, § 2, par. 1,

Eighth. To prohibit the deposit upon the streets or sidewalks of fruit, or any part thereof, or other substance or articles that might litter the same, or cause injury to or impede pedestrians.

—deposits on streets and sidewalks.

Ninth. To regulate or prohibit loud noises with horns, gongs, or other instruments, or loud cries, upon the streets or public places, and to prohibit the use of any fireworks or explosives within such portions of the District as they may think necessary to public safety.

—noises and fireworks.

Tenth. To regulate the movements of vehicles on the public streets and avenues for the preservation of order and protection of life and limb.

—passage of vehicles.

Eleventh. To prescribe reasonable penalties for the violation of any of the regulations in this act mentioned; and said penalties may be enforced in any court of the District of Columbia having jurisdiction of minor offenses, and in the same manner that such minor offenses are now by law prosecuted and punished.

—penalties.

SEC. 2. That the regulations herein provided for shall, when adopted, be printed in one or more of the daily newspapers published in the District of Columbia; and no penalty prescribed for the violation of said regulations shall be enforced until thirty days after such publication. [January 26, 1887.]

Regulations to be printed in newspapers, &c.

CHAP. 70.—An act granting pensions to the soldiers and sailors of the Mexican war, and for other purposes.

January 29, 1887.

24 Stat. L., 371.

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the names of the surviving officers and enlisted men, including marines, militia, and volunteers, of the military and naval services of the United States, who being duly enlisted, actually served sixty days with the Army or Navy of the United States in Mexico, or on the coasts

Surviving officers and enlisted men of Mexican War pensioned.

R. S., §§ 4730,

4731.

1889, Mar 2, ch.

390, § 6, *post*, p. 693.

or frontier thereof, or *en route* thereto, in the war with that nation, or were actually engaged in a battle in said war, and were honorably discharged, and to such other officers and soldiers and sailors as may have been personally named in any resolution of Congress for any specific service in said war,

Widows.

And the surviving widow of such officers and enlisted men: *Provided*, That such widows have not remarried:

Pensions granted only, if 63 years old, or disabled or dependent.

Provided, That every such officer, enlisted man, or widow who is or may become sixty-two years of age, or who is or may become subject to any disability or dependency equivalent to some cause prescribed or recognized by the pension laws of the United States as a sufficient reason for the allowance of a pension, shall be entitled to the benefits of this act;

Disability incurred in aiding rebellion.

But it shall not be held to include any person not within the rule of age or disability or dependence herein defined, or who incurred such disability while in any manner voluntarily engaged in or aiding or abetting the late rebellion against the authority of the United States.

Rate of pension, \$8 per month.

SEC. 2. That pensions under section one of this act shall be at the rate of eight dollars per month, and payable only from and after the passage of this act, for and during the natural lives of the persons entitled thereto, or during the continuance of the disability for which the same shall be granted:

Not in addition to existing pension.

Provided, That section one of this act shall not apply to any person who is receiving a pension at the rate of eight dollars per month or more, nor to any person receiving a pension of less than eight dollars per month, except for the difference between the pension now received (if less than eight dollars per month) and eight dollars per month.

Secretary of Interior to prescribe rules.

SEC. 3. That before the name of any person shall be placed on the pension-roll under this act, proof shall be made, under such rules and regulations as the Secretary of the Interior may prescribe, of the right of the applicant to a pension;

False oath, perjury.

And any person who shall falsely and corruptly take any oath required under this act shall be deemed guilty of perjury;

Name to be stricken off roll for fraud.

And the Secretary of the Interior shall cause to be stricken from the pension-roll the name of any person whenever it shall be made to appear by proof satisfactory to him that such name was put upon such roll through false and fraudulent representations, and that such person is not entitled to a pension under this act.

R. S., § 4739.
1879, June 21, ch. 31, § 3, *ante*, p. 267.

Loss of discharge, not a bar.

The loss of the certificate of discharge shall not deprive any person of the benefits of this act, but other record evidence of enlistment and service and of an honorable discharge may be deemed sufficient;

Land-warrant to be *prima facie* evidence of service.

Provided, That when any person has been granted a land-warrant, under any act of Congress, for and on account of service in the said war with Mexico, such grant shall by *prima facie* evidence of his service and honorable discharge; but such evidence shall not be conclusive, and may be rebutted by evidence that such land-warrant was improperly granted.

Pension laws made applicable.

SEC. 4. That the pension laws now in force which are not inconsistent or in conflict with this act are hereby made a part of this act, so far as they may be applicable thereto.

Persons engaged in the Rebellion not excluded.

SEC. 5. That section forty-seven hundred and sixteen of the Revised Statutes is hereby repealed so far as the same relates to this act or to pensioners under this act.

R. S., § 4716.
Act not to apply to persons under political disabilities.

SEC. 6. That the provisions of this act shall not apply to any person while under the political disabilities imposed by the fourteenth amendment to the constitution of the United States. [January 29, 1887.]

CHAP. 72.—An act to provide a school of instruction for cavalry and light artillery, and for the construction and completion of quarters, barracks, and stables at certain posts for the use of the Army of the United States.

Jan. 29, 1887.

24 Stat. L., 372.

Be it enacted, &c., That the Secretary of War be, and he is hereby, authorized and directed to establish upon the military reservation at Fort Riley a permanent school of instruction for drill and practice for the cavalry and light artillery service of the Army of the United States, and which shall be the depot to which all recruits for such service shall be sent. * * [*Omitted words make appropriation.*]

School of cavalry and light artillery instruction established at Fort Riley.

SEC. 2. [*Special, local, and executed.*] [January 29, 1887.]

CHAP. 90.—An act to fix the day for the meeting of the electors of President and Vice-President, and to provide for and regulate the counting of the votes for President and Vice-President, and the decision of questions arising thereon.

Feb. 3, 1887.

24 Stat. L., 373.

Be it enacted, &c., That the electors of each State shall meet and give their votes on the second Monday in January next following their appointment, at such place in each State as the legislature of such State shall direct.

Presidential electors, when to meet and vote.

R. S., § 131-135.

SEC. 2. That if any State shall have provided, by laws enacted prior to the day fixed for the appointment of the electors, for its final determination of any controversy or contest concerning the appointment of all or any of the electors of such State, by judicial or other methods or procedures, and such determination shall have been made at least six days before the time fixed for the meeting of the electors, such determination made pursuant to such law so existing on said day, and made at least six days prior to the said time of meeting of the electors, shall be conclusive, and shall govern in the counting of the electoral votes as provided in the Constitution, and as hereinafter regulated, so far as the ascertainment of the electors appointed by such State is concerned.

Determination, under State laws, of controversy as to appointment of electors, to be conclusive, if made 6 days before meeting.

R. S., § 133.

SEC. 3. That it shall be the duty of the executive of each State, as soon as practicable after the conclusion of the appointment of electors in such State, by the final ascertainment under and in pursuance of the laws of such State providing for such ascertainment, to communicate, under the seal of the State, to the Secretary of State of the United States, a certificate of such ascertainment of the electors appointed, setting forth the names of such electors and the canvass or other ascertainment under the laws of such State of the number of votes given or cast for each person for whose appointment any and all votes have been given or cast;

Certificate of appointment of electors, to be sent to Secretary of State.

And it shall also thereupon be the duty of the executive of each State to deliver to the electors of such State, on or before the day on which they are required by the preceding section to meet, the same certificate, in triplicate, under the seal of the State;

—and delivered to electors.

R. S., §§ 138-140. 1888, Oct. 19, ch. 1216, post, p. 635.

And such certificate shall be inclosed and transmitted by the electors at the same time and in the same manner as is provided by law for transmitting by such electors to the seat of Government the lists of all persons voted for as President and of all persons voted for as Vice-President;

Certificates and votes of electors have to be transmitted.

And section one hundred and thirty-six of the Revised Statutes is hereby repealed;

Repeal of R. S., § 136.

And if there shall have been any final determination in a State of a controversy or contest as provided for in section two of this act, it shall be the duty of the executive of such State, as soon as practicable after such determination, to communicate, under the seal of the State, to the Secretary of State of the United States, a certificate of such determination, in form and manner as the same shall have been made;

Certificate of determination of controversy to be sent to Secretary of State.

Certificates to be published. And the Secretary of State of the United States, as soon as practicable after the receipt at the State Department of each of the certificates hereinbefore directed to be transmitted to the Secretary of State, shall publish, in such public newspaper as he shall designate, such certificates in full;

—copies to be sent to Congress. And at the first meeting of Congress thereafter he shall transmit to the two Houses of Congress copies in full of each and every such certificate so received theretofore at the State Department.

Counting electoral votes in Congress. SEC. 4. That Congress shall be in session on the second Wednesday in February succeeding every meeting of the electors.

R. S., § 142.

The Senate and House of Representatives shall meet in the Hall of the House of Representatives at the hour of one o'clock in the afternoon on that day, and the President of the Senate shall be their presiding officer.

Opening and reading certificates.

Two tellers shall be previously appointed on the part of the Senate and two on the part of the House of Representatives, to whom shall be handed, as they are opened by the President of the Senate, all the certificates and papers purporting to be certificates of the electoral votes, which certificates and papers shall be opened, presented, and acted upon in the alphabetical order of the States, beginning with the letter A; and said tellers, having then read the same in the presence and hearing of the two Houses, shall make a list of the votes as they shall appear from the said certificates;

Announcement of vote.

And the votes having been ascertained and counted in the manner and according to the rules in this act provided, the result of the same shall be delivered to the President of the Senate, who shall thereupon announce the state of the vote, which announcement shall be deemed a sufficient declaration of the persons, if any, elected President and Vice-President of the United States, and, together with a list of the votes, be entered on the Journals of the two Houses.

Objection to be in writing.

Upon such reading of any such certificate or paper, the President of the Senate shall call for objections, if any. Every objection shall be made in writing, and shall state clearly and concisely, and without argument, the ground thereof, and shall be signed by at least one Senator and one Member of the House of Representatives before the same shall be received.

Decisions on objections.

When all objections so made to any vote or paper from a State shall have been received and read, the Senate shall thereupon withdraw, and such objections shall be submitted to the Senate for its decision; and the Speaker of the House of Representatives shall, in like manner, submit such objections to the House of Representatives for its decision;

Return, if only one from State, not to be rejected.

And no electoral vote or votes from any State which shall have been regularly given by electors whose appointment has been lawfully certified to according to section three of this act from which but one return has been received shall be rejected, but the two Houses concurrently may reject the vote or votes when they agree that such vote or votes have not been so regularly given by electors whose appointment has been so certified.

In case of conflicting returns those votes only to be counted determined according to this act.

If more than one return or paper purporting to be a return from a State shall have been received by the President of the Senate, those votes, and those only, shall be counted which shall have been regularly given by the electors who are shown by the determination mentioned in section two of this act to have been appointed, if the determination in said section provided for shall have been made, or by such successors or substitutes, in case of a vacancy in the board of electors so ascertained, as have been appointed to fill such vacancy in the mode provided by the laws of the State;

If determination questioned, concurrence of two Houses required.

But in case there shall arise the question which of two or more of such State authorities determining what electors have been appointed, as mentioned in section two of this act, is the lawful tribunal of such State, the votes regularly given of those electors, and those only, of

such State shall be counted whose title as electors the two Houses, acting separately, shall concurrently decide is supported by the decision of such State so authorized by its laws;

And in such case of more than one return or paper purporting to be a return from a State, if there shall have been no such determination of the question in the State aforesaid, then those votes, and those only, shall be counted which the two Houses shall concurrently decide were cast by lawful electors appointed in accordance with the laws of the State, unless the two Houses, acting separately, shall concurrently decide such votes not to be the lawful votes of the legally appointed electors of such State.

But if the two Houses shall disagree in respect of the counting of such votes, then, and in that case, the votes of the electors whose appointment shall have been certified by the Executive of the State, under the seal thereof, shall be counted.

When the two Houses have voted, they shall immediately again meet, and the presiding officer shall then announce the decision of the questions submitted.

No votes or papers from any other State shall be acted upon until the objections previously made to the votes or papers from any State shall have been finally disposed of.

SEC. 5. That while the two Houses shall be in meeting as provided in this act the President of the Senate shall have power to preserve order; and no debate shall be allowed and no question shall be put by the presiding officer except to either House on a motion to withdraw.

SEC. 6. That when the two Houses separate to decide upon an objection that may have been made to the counting of any electoral vote or votes from any State, or other question arising in the matter, each Senator and Representative may speak to such objection or question five minutes, and not more than once;

But after such debate shall have lasted two hours it shall be the duty of the presiding officer of each House to put the main question without further debate.

SEC. 7. That at such joint meeting of the two Houses seats shall be provided as follows: For the President of the Senate, the Speaker's chair; for the Speaker, immediately upon his left; the Senators, in the body of the Hall upon the right of the presiding officer; for the Representatives, in the body of the Hall not provided for the Senators; for the tellers, Secretary of the Senate, and Clerk of the House of Representatives, at the Clerk's desk; for the other officers of the two Houses, in front of the Clerk's desk and upon each side of the Speaker's platform.

Such joint meeting shall not be dissolved until the count of electoral votes shall be completed and the result declared;

And no recess shall be taken unless a question shall have arisen in regard to counting any such votes, or otherwise under this act, in which case it shall be competent for either House, acting separately, in the manner hereinbefore provided, to direct a recess of such House not beyond the next calendar day, Sunday excepted, at the hour of ten o'clock in the forenoon.

But if the counting of the electoral votes and the declaration of the result shall not have been completed before the fifth calendar day next after such first meeting of the two Houses, no further or other recess shall be taken by either House. [February 3, 1887.]

If no determination by State authorities; concurrent vote required.

If Houses disagree, votes certified by State Executive to be counted.

Announcement of decision of each House.

Objection to each State to be acted on.

Preservation of order.

No debate in joint meeting of Houses.

Limit of debate in each House.

Joint meeting of Houses; seats for officers and members.

—not to dissolve until result is declared.

Recess, when may be taken.

—when may not be taken.

Feb. 3, 1887.

24 Stat. L., 377.

Certain officers considered as commissioned and to receive pay from date of rank.

Substitute for
1884, June 3, ch. 63, § 1, (23 Stat. L., 34).

1866, July 26, Res. No. 87 (14 Stat. L., 368).

1870, July 11, Res. No. 102 (16 Stat. L., 385).

1884, June 3, ch. 63, §§ 2, 4, *ante*, pp. 437, 438.

1868, Aug. 13, ch.

—if vacancy existed, or duties were performed.

—in case of prisoners of war or disabled officers.

Limitation of application of act.

Pay received to be deducted.

July 26, 1866.

14 Stat. L., 368.

Certain commissioned officers actually on duty, but not mustered, to have full pay.

July 11, 1870.

16 Stat. L., 385.

Officers receiving a commission to be named therein from date of commission. If performing duties of the grade.

If prisoners of war, or in hospital, to have same benefits.

Not to apply in certain cases.

CHAP. 92.—An act to amend an act entitled "An act to provide for the muster and pay of certain officers and enlisted men of the volunteer forces," approved June third, eighteen hundred and eighty-four.

Be it enacted, &c., That section one of "An act to provide for the muster and pay of certain officers and enlisted men of the volunteer forces," approved June third, eighteen hundred and eighty-four, be, and is hereby, amended so as to read as follows:

"That the joint resolution approved July eleventh, eighteen hundred and seventy, entitled 'Joint resolution amendatory of joint resolution for the relief of certain officers of the Army,' approved July twenty-sixth, eighteen hundred and sixty-six, (1) is hereby so amended and shall be so construed that in all cases arising under the same any person who was duly appointed and commissioned, whether his commission was actually received by him or not, shall be considered as commissioned to the grade therein named from the date from which he was to take rank under and by the terms of his said commission, and shall be entitled to all pay and emoluments as if actually mustered at that date:

668, § 1, *post*, p. 614. 20 C. Cls., 284. 21 C. Cls., 15. 24 C. Cls., 155.

Provided, That at the date from which he was to take rank by the terms of his commission there was a vacancy to which he could be so commissioned and that he was actually performing the duties of the grade to which he was so commissioned, or, if not so performing such duties, then from such time after the date of his commission as he may have actually entered upon such duties:

And provided further, That any person held as a prisoner of war, or who may have been absent by reason of wounds or in hospital by reason of disability received in the service in the line of duty, at the date of his commission, if a vacancy existed for him in the grade to which so commissioned, shall be entitled to the same pay and emoluments as if actually performing the duties of the grade to which he was commissioned and actually mustered at such date:

And provided further, That this act and the resolution hereby amended shall be construed to apply only in those cases where the commission bears date prior to June twentieth, eighteen hundred and sixty-three, or after that date when their commands were not below the minimum number required by existing laws and regulations:

And provided further, That the pay and allowances actually received shall be deducted from the sums to be paid under this act. [February 3, 1887.]

NOTE.—(1) The following are the resolutions here referred to:

NUMBER 87.—Joint resolution for the relief of certain officers of the Army.

Be it resolved, &c., That in every case in which a commissioned officer actually entered on duty as such commissioned officer, but by reason of being killed in battle, captured by the enemy, or other cause beyond his control, and without fault or neglect of his own, was not mustered within a period of not less than thirty days, the department shall allow such officer full pay and emoluments of his rank from the date on which such officer actually entered on such duty as aforesaid, deducting from the amount paid in accordance with this resolution all pay actually received by such officer for such period. [July 26, 1866.]

NUMBER 102.—Joint resolution amendatory of "joint resolution for the relief of certain officers of the Army," approved July twenty-six, eighteen hundred and sixty-six.

Be it resolved, &c., That joint resolution entitled "Joint resolution for the relief of certain officers of the Army," approved July twenty-six, eighteen hundred and sixty-six, shall be so construed and amended that in all cases arising under the same, the person to, whom the commission shall have issued shall be considered as commissioned to the grade named therein from the date when the commission was issued by competent authority, and entitled to all pay and emoluments as if actually mustered at that date: *Provided*, That at the time of the issuing of the same, he was performing the mission as of the grade to which he was commissioned, or from such time after the issuing of his commission as he may have actually entered upon such duties.

SEC. 2. *And be it further resolved*, That persons held as prisoners of war by the enemy, or who may have been in hospital by reason of wounds or disability at the time of issuing their commissions, shall be entitled to the same pay, emoluments, and benefits under this resolution as if actually performing the duties of the grade to which they were commissioned.

SEC. 3. *And be it further resolved*, That this resolution shall not be construed to apply to cases in which, under the laws and army regulations existing at the time, there could have been no lawful muster into service even after the actual receipt of the commission. [July 11, 1870.]

CHAP. 104.—An act to regulate commerce.

February 4, 1887.

24 Stat. L., 379.

Interstate commerce.

To what common carriers' act is applicable.

1888, Oct. 1, ch. 1063, *post*, p. 622.
1890, Aug. 8, ch. 121 U. S., 239.

Be it enacted &c., That the provisions of this act shall apply to any common carrier or carriers engaged in the transportation of passengers or property wholly by railroad, or partly by railroad and partly by water when both are used, under a common control, management, or arrangement, for a continuous carriage or shipment, from one State or Territory of the United States, or the District of Columbia, to any other State or Territory of the United States, or the District of Columbia, or from any place in the United States to an adjacent foreign country, or from any place in the United States through a foreign country to any other place in the United States, and also to the transportation in like manner of property shipped from any place in the United States to a foreign country and carried from such place to a port of transshipment, or shipped from a foreign country to any place in the United States and carried to such place from a port of entry either in the United States or an adjacent foreign country :

Provided, however, That the provisions of this act shall not apply to the transportation of passengers or property, or to the receiving, delivering, storage, or handling of property, wholly within one State, and not shipped to or from a foreign country from or to any State or Territory as aforesaid.

The term "railroad" as used in this act shall include all bridges and ferries used or operated in connection with any railroad, and also all the road in use by any corporation operating a railroad, whether owned or operated under a contract, agreement, or lease ; and the term "transportation" shall include all instrumentalities of shipment or carriage.

All charges made for any service rendered or to be rendered in the transportation of passengers or property as aforesaid, or in connection therewith, or for the receiving, delivering, storage, or handling of such property, shall be reasonable and just ;

And every unjust and unreasonable charge for such service is prohibited and declared to be unlawful.

SEC. 2. That if any common carrier subject to the provisions of this act shall, directly or indirectly, by any special rate, rebate, drawback, or other device, charge, demand, collect, or receive from any person or persons a greater or less compensation for any service rendered, or to be rendered, in the transportation of passengers or property, subject to the provisions of this act, than it charges, demands, collects, or receives from any other person or persons for doing for him or them a like and contemporaneous service in the transportation of a like kind of traffic under substantially similar circumstances and conditions, such common carrier shall be deemed guilty of unjust discrimination, which is hereby prohibited and declared to be unlawful.

SEC. 3. That it shall be unlawful for any common carrier subject to the provisions of this act to make or give any undue or unreasonable preference or advantage to any particular person, company, firm, corporation, or locality, or any particular description of traffic, in any respect whatsoever, or to subject any particular person, company, firm, corporation, or locality, or any particular description of traffic, to any undue or unreasonable prejudice or disadvantage in any respect whatsoever.

Every common carrier subject to the provisions of this act shall, according to their respective powers, afford all reasonable, proper, and equal facilities for the interchange of traffic between their respective lines, and for the receiving, forwarding, and delivering of passengers and property to and from their several lines and those connecting therewith, and shall not discriminate in their rates and charges between such connecting lines ;

—not applicable to traffic wholly in one State.

1890, Aug. 8, ch. 728, *post*, p. 779.

Railroad and transportation in this act defined.

Charges to be reasonable and just, and unreasonable charges unlawful.

Special rates, rebates, &c., prohibited.

37 Fed. Rep., 635.
39 Fed. Rep., 54.
43 Fed. Rep., 26, 37.

Undue preferences prohibited.

37 Fed. Rep., 635.
39 Fed. Rep., 54.

Equal facilities to connecting lines.

34 Fed. Rep., 481.

—except terminal facilities.

33 Fed. Rep., 391.

Charge for short haul not more than for long haul.

31 Fed. Rep., 315, 362.

Exceptions may be authorized by Commissioners.

Pooling of freights or earnings with others prohibited.

Each day of agreement, a separate offense.

Combinations to prevent continuous carriage of freight to destination prohibited.

1890, July 2, ch. 647, *post*, p. 762.

Liability to persons injured by violation of act.

Persons damaged may complain to Commission, or sue personally.

36 Fed. Rep., 273.

But this shall not be construed as requiring any such common carrier to give the use of its tracks or terminal facilities to another carrier engaged in like business.

SEC. 4. That it shall be unlawful for any common carrier subject to the provisions of this act to charge or receive any greater compensation in the aggregate for the transportation of passengers or of like kind of property, under substantially similar circumstances and conditions, for a shorter than for a longer distance over the same line, in the same direction, the shorter being included within the longer distance; but this shall not be construed as authorizing any common carrier within the terms of this act to charge and receive as great compensation for a shorter as for a longer distance:

Provided, however, That upon application to the Commission appointed under the provisions of this act, such common carrier may, in special cases, after investigation by the Commission, be authorized to charge less for longer than for shorter distances for the transportation of passengers or property; and the Commission may from time to time prescribe the extent to which such designated common carrier may be relieved from the operation of this section of this act.

SEC. 5. That it shall be unlawful for any common carrier subject to the provisions of this act to enter into any contract, agreement, or combination with any other common carrier or carriers for the pooling of freights of different and competing railroads, or to divide between them the aggregate or net proceeds of the earnings of such railroads, or any portion thereof;

And in any case of an agreement for the pooling of freights as aforesaid, each day of its continuance shall be deemed a separate offense.

SEC. 6. [*Substitute, 1889, March 2, ch. 382, § 1, post, p. 684.*]

SEC. 7. That it shall be unlawful for any common carrier subject to the provisions of this act to enter into any combination, contract, or agreement, expressed or implied, to prevent, by change of time schedule, carriage in different cars, or by other means or devices, the carriage of freights from being continuous from the place of shipment to the place of destination; and no break of bulk, stoppage, or interruption made by such common carrier shall prevent the carriage of freights from being and being treated as one continuous carriage from the place of shipment to the place of destination, unless such break, stoppage, or interruption was made in good faith for some necessary purpose, and without any intent to avoid or unnecessarily interrupt such continuous carriage or to evade any of the provisions of this act.

SEC. 8. That in case any common carrier subject to the provisions of this act shall do, cause to be done, or permit to be done any act, matter, or thing in this act prohibited or declared to be unlawful, or shall omit to do any act, matter, or thing in this act required to be done, such common carrier shall be liable to the person or persons injured thereby for the full amount of damages sustained in consequence of any such violation of the provisions of this act, together with a reasonable counsel or attorney's fee, to be fixed by the court in every case of recovery, which attorney's fee shall be taxed and collected as part of the costs in the case.

SEC. 9. That any person or persons claiming to be damaged by any common carrier subject to the provisions of this act may either make complaint to the Commission as hereinafter provided for, or may bring suit in his or their own behalf for the recovery of the damages for which such common carrier may be liable under the provisions of this act, in any district or circuit court of the United States of competent jurisdiction; but such person or persons shall not have the right to pursue both of said remedies, and must in each

case elect which one of the two methods of procedure herein provided for he or they will adopt.

In any such action brought for the recovery of damages the court before which the same shall be pending may compel any director, officer, receiver, trustee, or agent of the corporation or company defendant in such suit to attend, appear, and testify in such case, and may compel the production of the books and papers of such corporation or company party to any such suit; the claim that any such testimony or evidence may tend to criminate the person giving such evidence shall not excuse such witness from testifying, but such evidence or testimony shall not be used against such person on the trial of any criminal proceeding.

SEC. 10. [*Substitute, 1889, March 2, ch. 382, § 2, post, p. 686.*]

SEC. 11. That a Commission is hereby created and established to be known as the Inter-State Commerce Commission, which shall be composed of five Commissioners, who shall be appointed by the President, by and with the advice and consent of the Senate.

The Commissioners first appointed under this act shall continue in office for the term of two, three, four, five, and six years, respectively, from the first day of January, anno Domini eighteen hundred and eighty-seven, the term of each to be designated by the President; but their successors shall be appointed for terms of six years, except that any person chosen to fill a vacancy shall be appointed only for the unexpired term of the Commissioner whom he shall succeed.

Any Commissioner may be removed by the President for inefficiency, neglect of duty, or malfeasance in office. Not more than three of the Commissioners shall be appointed from the same political party.

No person in the employ of or holding any official relation to any common carrier subject to the provisions of this act, or owning stock or bonds thereof, or who is in any manner pecuniarily interested therein, shall enter upon the duties of or hold such office. Said Commissioners shall not engage in any other business, vocation, or employment.

No vacancy in the Commission shall impair the right of the remaining Commissioners to exercise all the powers of the Commission.

SEC. 12. [*Substitute, 1891, February 12, ch. 128, post, p. 891.*]

SEC. 13. That any person, firm, corporation, or association, or any mercantile, agricultural, or manufacturing society, or any body politic or municipal organization complaining of anything done or omitted to be done by any common carrier subject to the provisions of this act in contravention of the provisions thereof, may apply to said Commission by petition, which shall briefly state the facts;

Whereupon a statement of the charges thus made shall be forwarded by the Commission to such common carrier, who shall be called upon to satisfy the complaint or to answer the same in writing within a reasonable time, to be specified by the Commission. If such common carrier, within the time specified, shall make reparation for the injury alleged to have been done, said carrier shall be relieved of liability to the complainant only for the particular violation of law thus complained of.

If such carrier shall not satisfy the complaint within the time specified, or there shall appear to be any reasonable ground for investigating said complaint, it shall be the duty of the Commission to investigate the matters complained of in such manner and by such means as it shall deem proper.

Said Commission shall in like manner investigate any complaint forwarded by the railroad commissioner or railroad commission of any State or Territory, at the request of such commissioner or com-

Inter-state commerce commission created; appointment; term of service, &c.

1888, Oct. 2, ch. 1069, par. 6, post p. 627.

19 Opins., 47

Certain persons not eligible.

Petitions to commission as to violations of law.

1888, Aug. 7, ch. 772, § 3, post, p. 603.

Charges to be forwarded to common carrier.

Investigation, when to be made.

— of complaints by State railroad commissions.

mission, and may institute any inquiry on its own motion in the same manner and to the same effect as though complaint had been made.

No complaint shall at any time be dismissed because of the absence of direct damage to the complainant.

SEC. 14. [See substitute, 1889, March 2, ch. 382, § 4, post, p. 687.]

Notice to common carrier of violation.

SEC. 15. That if in any case in which an investigation shall be made by said Commission it shall be made to appear to the satisfaction of the Commission, either by the testimony of witnesses or other evidence, that anything has been done or omitted to be done in violation of the provisions of this act, or of any law cognizable by said Commission, by any common carrier, or that any injury or damage has been sustained by the party or parties complaining, or by other parties aggrieved in consequence of any such violation, it shall be the duty of the Commission to forthwith cause a copy of its report in respect thereto to be delivered to such common carrier, together with a notice to said common carrier to cease and desist from such violation, or to make reparation for the injury so found to have been done, or both, within a reasonable time, to be specified by the Commission;

Record to be made if violation has ceased or reparation made, and carrier relieved from further liability.

And if, within the time specified, it shall be made to appear to the Commission that such common carrier has ceased from such violation of law, and has made reparation for the injury found to have been done, in compliance with the report and notice of the Commission, or to the satisfaction of the party complaining, a statement to that effect shall be entered of record by the Commission, and the said common carrier shall thereupon be relieved from further liability or penalty for such particular violation of law.

SEC. 16. [Substitute, 1889, March 2, ch. 382, § 5, post, p. 688.]

SEC. 17. [Substitute, 1889, March 2, ch. 382, § 6, post, p. 689.]

SEC. 18. [Substitute, 1889, March 2, ch. 382, § 7, post, p. 690.]

Sessions.

SEC. 19. That the principal office of the Commission shall be in the city of Washington, where its general sessions shall be held; but whenever the convenience of the public or of the parties may be promoted or delay or expense prevented thereby, the Commission may hold special sessions in any part of the United States.

It may, by one or more of the Commissioners, prosecute any inquiry necessary to its duties, in any part of the United States, into any matter or question of fact pertaining to the business of any common carrier subject to the provisions of this act.

Annual reports from common carriers to Commission.

SEC. 20. That the Commission is hereby authorized to require annual reports from all common carriers subject to the provisions of this act, to fix the time and prescribe the manner in which such reports shall be made, and to require from such carriers specific answers to all questions upon which the Commission may need information.

Reports to contain:

Such annual reports shall show in detail—

Capital stock;
What and how paid;

The amount of capital stock issued;

The amounts paid therefor, and the manner of payment for the same;

Dividends, &c.;
stockholders;

The dividends paid, the surplus fund, if any, and the number of stockholders;

Debts and interest;

The funded and floating debts and the interest paid thereon;

Cost and value;

The cost and value of the carrier's property, franchises, and equipment;

Employees and salaries;

The number of employees and the salaries paid each class;

Improvements;

The amounts expended for improvements each year, how expended, and the character of such improvements;

Earnings and receipts;

The earnings and receipts from each branch of business and from all sources;

Expenses;

The operating and other expenses;

The balances of profit and loss;

And a complete exhibit of the financial operations of the carrier each year,

Including an annual balance-sheet.

Such reports shall also contain such information in relation to rates or regulations concerning fares or freights, or agreements, arrangements, or contracts with other common carriers, as the Commission may require;

And the said Commission may, within its discretion, for the purpose of enabling it the better to carry out the purposes of this act, prescribe (if in the opinion of the Commission it is practicable to prescribe such uniformity and methods of keeping accounts) a period of time within which all common carriers subject to the provisions of this act shall have, as near as may be, a uniform system of accounts, and the manner in which such accounts shall be kept.

SEC. 21. [Substitute, 1889, March 2, ch. 382, § 8, post, p. 690.]

SEC. 22. [Substitute, 1889, March 2, ch. 382, § 9, post, p. 690.]

SEC. 23. [Makes appropriation.]

SEC. 24. That the provisions of sections eleven and eighteen of this act, relating to the appointment and organization of the Commission herein provided for, shall take effect immediately, and the remaining provisions of this act shall take effect sixty days after its passage. [February 4, 1887.]

Profit and loss;
Complete financial operations;
Balance sheet.
Rates and agreements with other carriers.
1888, Aug. 7, ch. § 6, post, p. 604.
Commission may prescribe uniform system of accounts.

When law takes effect; appointment of Commissioners.

CHAP. 105.—An act to amend the law relating to patents, trade-marks, and copyright.

February 4, 1887.

Be it enacted, &c., That hereafter, during the term of letters patent for a design, it shall be unlawful for any person other than the owner of said letters patent, without the license of such owner, to apply the design secured by such letters patent, or any colorable imitation thereof, to any article of manufacture for the purpose of sale, or to sell or expose for sale any article of manufacture to which such design or colorable imitation shall, without the license of the owner, have been applied, knowing that the same has been so applied.

24 Stat. L., 387.
Unauthorized use of patented design unlawful.
R. S., § 4929.
42 Fed. Rep., 323.

Any person violating the provisions, or either of them, of this section, shall be liable in the amount of two hundred and fifty dollars; and in case the total profit made by him from the manufacture or sale, as aforesaid, of the article or articles to which the design, or colorable imitation thereof, has been applied, exceeds the sum of two hundred and fifty dollars, he shall be further liable for the excess of such profit over and above the sum of two hundred and fifty dollars.

Penalty and liability.
38 Fed. Rep., 584.

And the full amount of such liability may be recovered by the owner of the letters patent, to his own use, in any circuit court of the United States having jurisdiction of the parties, either by action at law or upon a bill in equity for an injunction to restrain such infringement.

Suits.

SEC. 2. That nothing in this act contained shall prevent, lessen, impeach, or avoid any remedy at law or in equity which any owner of letters patent for a design, aggrieved by the infringement of the same, might have had if this act had not been passed; but such owner shall not twice recover the profit made from the infringement. [February 4, 1887.]

Remedy by existing law not impaired, but owner not to recover twice.

February 8, 1887.

CHAP. 119.—An act to provide for the allotment of lands in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States and the Territories over the Indians, and for other purposes (1).

24 Stat. L. 388.

President may allot land.

Be it enacted, &c., [For substitute for section 1, see 1891, Feb. 28, ch. 383, § 1, post, p. 897.]

Selection of allotments.

19 Opins., 255, 559.

SEC. 2. That all allotments set apart under the provisions of this act shall be selected by the Indians, heads of families selecting for their minor children, and the agents shall select for each orphan child, and in such manner as to embrace the improvements of the Indians making the selection.

Improvements.

Where the improvements of two or more Indians have been made on the same legal subdivision of land, unless they shall otherwise agree, a provisional line may be run dividing said lands between them, and the amount to which each is entitled shall be equalized in the assignment of the remainder of the land to which they are entitled under this act:

Failure to select for four years, Secretary of Interior may select.

Provided, That if any one entitled to an allotment shall fail to make a selection within four years after the President shall direct that allotments may be made on a particular reservation, the Secretary of the Interior may direct the agent of such tribe or band, if such there be, and if there be no agent, then a special agent appointed for that purpose, to make a selection for such Indian, which selection shall be allotted as in cases where selections are made by the Indians, and patents shall issue in like manner.

Allotments to be made by special agents, reservation agents.

19 Opins., 14.

—certificates.

SEC. 3. That the allotments provided for in this act shall be made by special agents appointed by the President for such purpose, and the agents in charge of the respective reservations on which the allotments are directed to be made, under such rules and regulations as the Secretary of the Interior may from time to time prescribe, and shall be certified by such agents to the Commissioner of Indian Affairs, in duplicate, one copy to be retained in the Indian Office and the other to be transmitted to the Secretary of the Interior for his action, and to be deposited in the General Land Office.

Indians not on reservations, &c., may make selection of public lands.

SEC. 4. That where any Indian not residing upon a reservation, or for whose tribe no reservation has been provided by treaty, act of Congress or executive order, shall make settlement upon any surveyed or unsurveyed lands of the United States not otherwise appropriated, he or she shall be entitled, upon application to the local land-office for the district in which the lands are located, to have the same allotted to him or her, and to his or her children, in quantities and manner as provided in this act for Indians residing upon reservations; and when such settlement is made upon unsurveyed lands, the grant to such Indians shall be adjusted upon the survey of the lands so as to conform thereto; and patents shall be issued to them for such lands in the manner and with the restrictions as herein provided.

Fees of land officers to be paid from Treasury.

And the fees to which the officers of such local land-office would have been entitled had such lands been entered under the general laws for the disposition of the public lands shall be paid to them, from any moneys in the Treasury of the United States not otherwise

NOTE.—(1) Special provisions exist in regard to lands in severalty to the following tribes: Stockbridge Munsee, R. S., §§ 2310, 2312; Ottawa and Chippewa of Michigan, R. S., §§ 2313-2316, 1875, Mar. 3, ch. 188, 18 Stat. L., 516, and 1876, May 23, ch. 105, 19 Stat. L., 55; Ute, 1880, June 15, ch. 223, 21 Stat. L., 199; Winnebago, 1881, Jan. 18, ch. 23, 21 Stat. L., 315; Crow, 1882, Apr. 11, ch. 74, 22 Stat. L., 42, and 1891, Mar. 3, ch. 543, §§ 31-34, 26 Stat. L., 1039; Omaha, 1882, Aug. 7, ch. 434, 22 Stat. L., 341; Umatilla, 1885, Mar. 3, ch. 319, 23 Stat. L., 340; Sac and Fox and Iowa, 1885, Mar. 2, ch. 337, 23 Stat. L., 351, 1887, Jan. 26, ch. 47, 24 Stat. L., 367, and 1891, Feb. 13, ch. 165, 26 Stat. L., 749; Sioux, 1888, Apr. 30, ch. 206, 25 Stat. L., 94, 1899, Mar. 2, ch. 405, 25 Stat. L., 888, and 1891, Jan. 19, ch. 77, 26 Stat. L., 720; Gros Ventres, Piegans, Blood, Blackfeet, and River Crow, 1888, May 1, ch. 213, 25 Stat. L., 113; Winnebago, 1888, July 4, ch. 519, 25 Stat. L., 240; Chippewa, 1889, Jan. 14, ch. 24, 25 Stat. L., 642; Sho-honne, Bannock, and Sheepwater, 1889, Feb. 23, ch. 203, 25 Stat. L., 687; Flathead, 1889, Mar. 2, ch. 391, 25 Stat. L., 871; Ponca, 1889, Mar. 2, ch. 405, § 13, 25 Stat. L., 892; Confederated Wea, Peoria, Kaskaskia, and Piankeshaw and Western Miami, 1889, Mar. 2, ch. 422, 25 Stat. L., 1013; Round Valley, 1890, Oct. 1, ch. 1271, 26 Stat. L., 658; Mission, 1891, Jan. 12, ch. 65, 26 Stat. L., 712; Citizen Band of Pottawatomie, 1891, Mar. 3, ch. 543, §§ 8-11, 26 Stat. L., 1016; Cheyenne and Arapahoe, do., §§ 13-15, p. 1022; Coeur d'Alene, do., §§ 19-22, p. 1026; Arickaree, Gros Ventre, and Mandan, do., § 23, p. 1032; Sisseton and Wahpeton bands of Sioux, do., §§ 26-30, p. 1035.

These are not inserted in this volume because considered special or local.

appropriated, upon a statement of an account in their behalf for such fees by the Commissioner of the General Land Office, and a certification of such account to the Secretary of the Treasury by the Secretary of the Interior.

SEC. 5. That upon the approval of the allotments provided for in this act by the Secretary of the Interior, he shall cause patents to issue therefor in the name of the allottees, which patents shall be of the legal effect, and declare that the United States does and will hold the land thus allotted, for the period of twenty-five years, in trust for the sole use and benefit of the Indian to whom such allotment shall have been made, or, in case of his decease, of his heirs according to the laws of the State or Territory where such land is located, and that at the expiration of said period the United States will convey the same by patent to said Indian, or his heirs as aforesaid, in fee, discharged of said trust and free of all charge or incumbrance whatsoever: *Provided*, That the President of the United States may in any case in his discretion extend the period.

And if any conveyance shall be made of the lands set apart and allotted as herein provided, or any contract made touching the same, before the expiration of the time above mentioned, such conveyance or contract shall be absolutely null and void :

Provided, That the law of descent and partition in force in the State or Territory where such lands are situate shall apply thereto after patents therefor have been executed and delivered, except as herein otherwise provided; and the laws of the State of Kansas regulating the descent and partition of real estate shall, so far as practicable, apply to all lands in the Indian Territory which may be allotted in severalty under the provisions of this act:

And provided further, That at any time after lands have been allotted to all the Indians of any tribe as herein provided, or sooner if in the opinion of the President it shall be for the best interests of said tribe, it shall be lawful for the Secretary of the Interior to negotiate with such Indian tribe for the purchase and release by said tribe, in conformity with the treaty or statute under which such reservation is held, of such portions of its reservation not allotted as such tribe shall, from time to time, consent to sell, on such terms and conditions as shall be considered just and equitable between the United States and said tribe of Indians, which purchase shall not be complete until ratified by Congress, and the form and manner of executing such release shall also be prescribed by Congress:

Provided however, That all lands adapted to agriculture, with or without irrigation so sold or released to the United States by any Indian tribe shall be held by the United States for the sole purpose of securing homes to actual settlers and shall be disposed of by the United States to actual and bona fide settlers only in tracts not exceeding one hundred and sixty acres to any one person, on such terms as Congress shall prescribe, subject to grants which Congress may make in aid of education:

And provided further, That no patents shall issue therefor except to the person so taking the same as and for a homestead, or his heirs, and after the expiration of five years occupancy thereof as such homestead; and any conveyance of said lands so taken as a homestead, or any contract touching the same, or lien thereon, created prior to the date of such patent, shall be null and void.

And the sums agreed to be paid by the United States as purchase money for any portion of any such reservation shall be held in the Treasury of the United States for the sole use of the tribe or tribes of Indians; to whom such reservations belonged; and the same, with interest thereon at three per cent per annum, shall be at all times subject to appropriation by Congress for the education and civilization of such tribe or tribes of Indians or the members thereof.

Patent to issue, holding lands in trust; conveyance after 25 years.

1875, March 3, ch. 131, § 15, *ante*, p. 78.

1889, Feb. 16, ch. 172, *post*, p. 645. 19 Opins., 232.

Contracts, conveyances, &c., before end of 25 years void.

1891, Feb. 28, ch. 333, § 1, *post*, p. 897.

Laws of descent and partition.

1891, Feb. 18, ch. 333, § 5, *post*, p. 896.

Negotiations by Secretary of Interior for purchase of lands not allotted.

R. S., § 2079.

Agricultural lands so purchased to be held for actual settlers, if arable.

1891, March 3, ch. 561, § 10, *post*, p. 973.

Patent to issue only to persons taking for homestead.

Purchase-money to be held in trust for Indians.

Patents to be recorded free.

The patents aforesaid shall be recorded in the General Land Office, and afterward delivered, free of charge, to the allottee entitled thereto.

Lands occupied by religious organizations to be confirmed to them.

And if any religious society or other organization is now occupying any of the public lands to which this act is applicable, for religious or educational work among the Indians, the Secretary of the Interior is hereby authorized to confirm such occupation to such society or organization, in quantity not exceeding one hundred and sixty acres in any one tract, so long as the same shall be so occupied, on such terms as he shall deem just; but nothing herein contained shall change or alter any claim of such society for religious or educational purposes heretofore granted by law.

In employment of Indians preference to be given, &c.

And hereafter in the employment of Indian police, or any other employes in the public service among any of the Indian tribes or bands affected by this act, and where Indians can perform the duties required, those Indians who have availed themselves of the provisions of this act and become citizens of the United States shall be preferred.

R. S., § 2069.
1877, March 3, ch. 101, *ante*, p. 134.
1880, May 11, ch. 85, *ante*, p. 282.

Citizenship to be accorded to allottees and Indians adopting civilized life.

SEC. 6. That upon the completion of said allotments and the patenting of the lands to said allottees, each and every member of the respective bands or tribes of Indians to whom allotments have been made shall have the benefit of and be subject to the laws, both civil and criminal, of the State or Territory in which they may reside; and no Territory shall pass or enforce any law denying any such Indian within its jurisdiction the equal protection of the law.

R. S., § 2119.
1875, March 3, ch. 131, § 15, *ante*, p. 78.
1888, Aug. 9, ch. 818, § 2, *post*, p. 608.

And every Indian born within the territorial limits of the United States to whom allotments shall have been made under the provisions of this act, or under any law or treaty, and every Indian born within the territorial limits of the United States who has voluntarily taken up, within said limits, his residence separate and apart from any tribe of Indians therein, and has adopted the habits of civilized life, is hereby declared to be a citizen of the United States, and is entitled to all the rights, privileges, and immunities of such citizens, whether said Indian has been or not, by birth or otherwise, a member of any tribe of Indians within the territorial limits of the United States without in any manner impairing or otherwise affecting the right of any such Indian to tribal or other property.

Secretary of Interior to prescribe rules for use of waters for irrigation.

SEC. 7. That in cases where the use of water for irrigation is necessary to render the lands within any Indian reservation available for agricultural purposes, the Secretary of the Interior be, and he is hereby, authorized to prescribe such rules and regulations as he may deem necessary to secure a just and equal distribution thereof among the Indians residing upon any such reservations; and no other appropriation or grant of water by any riparian proprietor shall be authorized or permitted to the damage of any other riparian proprietor.

Act not to extend to lands of certain tribes.

SEC. 8. That the provision of this act shall not extend to the territory occupied by the Cherokees, Creeks, Choctaws, Chickasaws, Seminoles, and Osage, Miamies and Peorias, and Sacs and Foxes, in the Indian Territory, nor to any of the reservations of the Seneca Nation of New York Indians in the State of New York, nor to that strip of territory in the State of Nebraska adjoining the Sioux Nation on the south added by executive order. (1)

Appropriation for surveys.

SEC. 9. That for the purpose of making the surveys and resurveys mentioned in section two of this act, there be, and hereby is, appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of one hundred thousand dollars, to be repaid proportionately out of the proceeds of the sales of such land as may be acquired from the Indians under the provisions of this act.

NOTE.—(1) The provisions of this act are extended to the Wea, Peoria, Kaskaskia, Piankeshaw, and Western Miami tribes by act of 1880, March 2, ch. 422, (25 Stat. L., 1013).

SEC. 10. That nothing in this act contained shall be so construed as to affect the right and power of Congress to grant the right of way through any lands granted to an Indian, or a tribe of Indians, for railroads or other highways, or telegraph lines, for the public use, or to condemn such lands to public uses, upon making just compensation.

Rights of way for railroads, &c., not affected.

SEC. 11. That nothing in this act shall be so construed as to prevent the removal of the Southern Ute Indians from their present reservation in Southwestern Colorado to a new reservation by and with the consent of a majority of the adult male members of said tribe. [February 8, 1887.]

Removal of Southern Utes not affected by act.

CHAP. 123.—An act to amend an act in relation to the immediate transportation of dutiable goods, and for other purposes, approved June tenth, eighteen hundred and eighty. February 9, 1887.

Be it enacted, &c., That section seven of the general statutes of the United States, chapter one hundred and ninety, approved June tenth, eighteen hundred and eighty, being "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes" (Statutes at Large, volume twenty-one, page one hundred and seventy-four), be, and the same is hereby, amended by inserting in line four of said section seven, after the word "Middletown", the word "Bridgeport;" so that the privileges of immediate transportation of dutiable goods extended by said act to certain cities therein named shall be also extended to said Bridgeport, Connecticut. [February 9, 1887.]

24 Stat. L., 392.
Bridgeport, Conn., made a port of immediate delivery.
1880, June 10, ch. 190, §7, ante, p. 294.

CHAP. 129.—An act to amend section sixteen hundred and sixty-one of the Revised Statutes, making an annual appropriation to provide arms and equipments for the militia. February 12, 1887.

Be it enacted, &c., That section sixteen hundred and sixty-one of the Revised Statutes be, and the same is hereby, amended and re-enacted so as to read as follows:

24 Stat. L., 401.
Permanent appropriation for militia purposes.

"SECTION 1. That the sum of four hundred thousand dollars is hereby annually appropriated, to be paid out of any money in the Treasury not otherwise appropriated, for the purpose of providing arms, ordnance stores, quartermaster's stores, and camp equipage for issue to the militia.

Substitute for R. S., § 1861.
1882, May 19, ch. 172, ante, p. 344.
1889, March 2, ch. 372, post, p. 671.
—apportionment among States and Territories.
19 Opins., 61.

"SEC. 2. That said appropriation shall be apportioned among the several States and Territories under the direction of the Secretary of War, according to the number of Senators and Representatives to which each State respectively is entitled in the Congress of the United States, and to the Territories and District of Columbia such proportion and under such regulations as the President may prescribe:

—only to States having 100 men for each member of Congress.

Provided, however, That no State shall be entitled to the benefits of the appropriation apportioned to it unless the number of its regularly enlisted, organized, and uniformed active militia shall be at least one hundred men for each Senator and Representative to which such State is entitled in the Congress of the United States.

And the amount of said appropriation which is thus determined not to be available shall be covered back into the Treasury.

—unused to be covered back.

"SEC. 3. That the purchase or manufacture of arms, ordnance stores, quartermaster's stores, and camp equipage for the militia under the provisions of this act shall be made under the direction of the Secretary of War, as such arms, ordnance and quartermaster's stores and camp equipage are now manufactured or otherwise provided for the use of the Regular Army, and they shall be receipted

Purchase, &c., of arms, &c., to be by Secretary of War.

for and shall remain the property of the United States, and be annually accounted for by the governors of the States and Territories, for which purpose the Secretary of War shall prescribe and supply the necessary blanks and make such regulations as he may deem necessary to protect the interest of the United States.

Unserviceable
arms to be sold.

“SEC. 4. That all arms, equipments, ordnance stores, or tents which may become unserviceable or unsuitable shall be examined by a board of officers of the militia, and its report shall be forwarded by the governor of the State or Territory direct to the Secretary of War, who shall direct what disposition, by sale or otherwise, shall be made of them; and, if sold, the proceeds of such sale shall be covered into the Treasury of the United States.” [*Became a law February 12, 1887, without the President's approval.*]

February 17, 1887.

CHAP. 137.—An act to authorize terms of the circuit court of the United States for the eastern judicial district of North Carolina at the city of Wilmington, in said district.

24 Stat. L., 406.

Circuit court, eastern district, North Carolina, to be held at Wilmington, when.

R. S., §§ 572, 658.
1878, June 19, ch. 332, *ante*, p. 196.

Be it enacted, &c., That terms of the circuit court of the United States for the eastern judicial district of the State of North Carolina shall be held at the city of Wilmington, in said district, at the times now fixed by law for holding the terms of the district court of the United States at said place.

SEC. 2. That this act shall take effect and be in force from and after its passage. [*February 17, 1887.*]

February 17, 1887.

CHAP. 139.—An act to amend section five hundred and thirty-three of the Revised Statutes of the United States.

24 Stat. L., 406.

Arkansas, eastern judicial district, divided.

R. S., § 533, as superseded by 1877, Jan. 31, ch. 41, *ante*, p. 129.

Be it enacted, &c., That section five hundred and thirty-three of the Revised Statutes be amended as follows, namely :

Add, after the words “the eastern district includes the residue of said State” the following :

“Said eastern district shall be, and is hereby, divided into two divisions, to be known as the eastern and western divisions of the eastern district of Arkansas.

The eastern division shall consist of the following counties, to wit : Mississippi, Crittenden, Lee, Phillips, Clay, Craighead, Poinsett, Greene, Cross, Saint Francis, and Monroe,

And the western division of the remaining counties in said district ; but no additional marshal shall be appointed in said district.”

Eastern.

Western.

1886, June 19, ch. 422, *ante*, p. 497.

1887, Feb. 28, ch. §§ 1, 5, *post*, pp. Terms.

273, *post*, p. 546. 1889, Feb. 6, ch. 113.

638, 639; 1890, Mar. 7, ch. 28, *post*, p. 707.

“The court for the eastern division shall be held at Helena, and for the western division at Little Rock, as now provided for by law; And each of said courts shall have exclusive jurisdiction over all matters cognizable in said courts and arising in the counties comprising the division to the same extent, to all intents and purposes as if said divisions were separate districts.”

SEC. 2. [*Relates to past offenses.*] [*February 17, 1887.*]

Jurisdiction.

February 23, 1887.

CHAP. 210.—An act to provide for the execution of the provisions of article two of the treaty concluded between the United States of America and the Emperor of China on the seventeenth day of November, eighteen hundred and eighty, and proclaimed by the President of the United States on the fifth day of October, eighteen hundred and eighty-one.

24 Stat. L., 409.

Importation of opium by Chinese prohibited.

Treaty 1880, Nov. 17, art. 2 (23 Stat. L., 828).

Be it enacted, &c., That the importation of opium into any of the ports of the United States by any subject of the Emperor of China is hereby prohibited.

Every person guilty of a violation of the preceding provision shall be deemed guilty of a misdemeanor, and, on conviction thereof,

shall be punished by a fine of not more than five hundred dollars nor less than fifty dollars, or by imprisonment for a period of not more than six months nor less than thirty days, or by both such fine and imprisonment, in the discretion of the court.

SEC. 2. That every package containing opium, either in whole or in part, imported into the United States by any subject of the Emperor of China, shall be deemed forfeited to the United States; and proceedings for the declaration and consequences of such forfeiture may be instituted in the courts of the United States as in other cases of the violation of the laws relating to other illegal importations.

SEC. 3. That no citizen of the United States shall import opium into any of the open ports of China, nor transport the same from one open port to any other open port, or buy or sell opium in any of such open ports of China, nor shall any vessel owned by citizens of the United States, or any vessel, whether foreign or otherwise, employed by any citizen of the United States, or owned by any citizen of the United States, either in whole or in part, and employed by persons not citizens of the United States, take or carry opium into any of such open ports of China, or transport the same from one open port to any other open port, or be engaged in any traffic therein between or in such open ports or any of them.

Citizens of the United States offending against the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine not exceeding five hundred dollars nor less than fifty dollars, or by both such punishments, in the discretion of the court.

The consular courts of the United States in China, concurrently with any district court of the United States in the district in which any offender may be found, shall have jurisdiction to hear, try, and determine all cases arising under the foregoing provisions of this section, subject to the general regulations provided by law.

Every package of opium or package containing opium, either in whole or in part, brought, taken, or transported, trafficked, or dealt in contrary to the provisions of this section, shall be forfeited to the United States, for the benefit of the Emperor of China; and such forfeiture, and the declaration and consequences thereof, shall be made, had, determined, and executed by the proper authorities of the United States exercising judicial powers within the Empire of China. [February 23, 1887.]

1890, Oct. 1, ch. 1244, pars. 48, 49, 663, §§ 38, 39, *post*, pp. 814, 853, 865, 866.

Forfeiture.

Citizens of United States prohibited from traffic in opium in China.

Punishment.

Jurisdiction.

Forfeiture.

CHAP. 213.—An act to prohibit any officer, agent, or servant of the Government of the United States of America to hire or contract out the labor of prisoners incarcerated for violating the laws of the Government of the United States of America.

February 28, 1887.

24 Stat. L., 411.

Be it enacted, &c., That it shall not be lawful for any officer, agent, or servant of the Government of the United States to contract with any person or corporation, or permit any warden, agent, or official of any State prison, penitentiary, jail, or house of correction where criminals of the United States may be incarcerated to hire or contract out the labor of said criminals, or any part of them, who may hereafter be confined in any prison, jail, or other place of incarceration for violation of any laws of the Government of the United States of America.

Convicts of U. S. in prisons, &c., not to be hired out, &c.

R. S., § 5539.

1891, Mar. 3, ch. 529, *post*, p. 908.

SEC. 2. That any person who shall offend against the provisions of this act shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be imprisoned for a term not less than one year nor more than three years, at the discretion of the court, or shall be fined not less than five hundred dollars nor more than one thousand dollars for each offense.

Penalty.

SEC. 3. That all acts or parts of acts inconsistent with the provisions of this act are hereby repealed; and this act shall take effect and be in force from and after its passage. [February 23, 1887.]

Repeal.

Feb. 23, 1887.

24 Stat. L., 411.

Dutiable merchandise transported in bond; how conveyed and in what form, &c.

Substitute for
1880, June 10,
ch. 190, § 5, (21
Stat. L., 174).
1887, Feb. 23, ch.
218, *post*, p. 541.

Passengers' baggage.

Bulky merchandise.

Not to be unladen or transhipped unless, &c.

CHAP. 215.—An act to amend section five of the act entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes", approved June tenth, eighteen hundred and eighty.

Be it enacted, &c., That section five of the act entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes", approved June tenth, eighteen hundred and eighty, be, and the same is hereby, amended so that it shall read as follows, namely (1):

SEC. 5. "That merchandise transported under the provisions of this act 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 merchandise may also be transported under the provisions of this act by express companies on passenger-trains, in safes, 'pouches', and trunks, which shall be of such size, character, and description and secured in such manner as shall be from time to time prescribed by the Secretary;

And in cases where merchandise shall be imported in boxes or packages too large to be included within the safes, trunks, or 'pouches' as prescribed, such merchandise may be transported under the provisions of this act by such express companies, 'corded and sealed', in such manner as shall from time to time be prescribed by the Secretary of the Treasury;

And 'passengers' baggage and effects arriving at any of the ports specified in section one of this act, which shall appear by the manifest of the importing vessel, or other satisfactory evidence, to be destined to any of the ports specified in the seventh section, may also be transported by express companies under the provisions of this act to any of the ports specified in the seventh section thereof, in such manner and under such rules and regulations as the Secretary of the Treasury may prescribe';

And merchandise such as pig-iron, spiegle-iron, scrap-iron, iron-ore, railroad-iron, and similar articles commonly transported upon platform or flat cars may be transported under the provisions of this act upon such platform or flat cars; and the weight of such merchandise so transported shall be ascertained in all cases before shipment, and ordinary railroad seals may be used for such purposes; 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 of the Treasury, 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 'where the route is bonded for both land and water carriage', or from accidents, or from legal intervention, or when, by reason of the length of the route, the cars, after due inspection by customs officers, shall be considered unsafe or unsuitable to proceed further, 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." [February 23, 1887.]

NOTE.—(1) This act supersedes a former substitute for 1880, June 10, ch. 190, § 5, (21 Stat. L., 174) contained in 1884, July 2, ch. 142, (24 Stat. L., 63.) that act contained also a substitute for § 6 of the act of 1880. That is not superseded and appears herein, *ante*, p. 447. See the act of 1880, *ante*, p. 263, and the act of 1887, ch. 218, immediately following this, p. 541.

CHAP. 218.—An act to amend an act entitled an "Act to amend the Statutes in relation to the immediate transportation of dutiable goods, and for other purposes", approved June tenth, eighteen hundred and eighty. February 23, 1887.
24 Stat. L., 414.

Be it enacted, &c., That the provisions of the act entitled "An act to amend the statutes in relation to the immediate transportation of dutiable goods, and for other purposes," approved June tenth eighteen hundred and eighty, be, and the same are hereby, so amended as to allow merchandise liable to specific rates of duty only to be entered for immediate transportation without appraisement to any of the ports mentioned in the seventh section of said act, although the same may not appear by the invoice, bill of lading, or manifest of the importing vessel to be consigned to or destined for either of said ports, when the consignee at the port of first arrival shall make written application therefor to the collector, giving the name of the person at the port or destination to whom he desires the merchandise to be consigned;

And whenever such application and entry shall be made, the original invoice presented by the consignee at the port of first arrival shall be forwarded, with a copy of the transportation entry, to the collector at the port of destination; and a copy of such invoice shall be retained on file at the port of first arrival.

The original invoice so forwarded shall be treated as the only invoice of the merchandise upon which entry shall be made at the port of destination, and the person making such entry shall be held responsible for the statements contained therein in the same manner as if the merchandise had been originally consigned to him:

Provided, however, That the privileges herein conferred shall not extend to any merchandise the duties upon which, or any portion thereof, depend upon the value of such merchandise:

And provided further, That such privilege shall be granted only in cases where no part of the merchandise shall have been landed prior to entry for immediate transportation as aforesaid. [February 23, 1887.]

CHAP. 220.—An act to amend an act to prohibit the importation and immigration of foreigners and aliens under contract or agreement to perform labor in the United States, its Territories, and the District of Columbia (1). February 23, 1887.
24 Stat. L., 414.

Be it enacted, &c., That an act to prohibit the importation and immigration of foreigners and aliens under contract or agreement to perform labor in the United States, its Territories, and the District of Columbia, approved February twenty-sixth, eighteen hundred and eighty-five, and to provide for the enforcement thereof, be amended by adding the following:

"SEC. 6. That the Secretary of the Treasury is hereby charged with the duty of executing the provisions of this act, and for that purpose he shall have power to enter into contracts with such State Commission, board, or officers as may be designated for that purpose by the Governor of any State to take charge of the local affairs of immigration in the ports within said State, under the rules and regulations to be prescribed by said Secretary;

And it shall be the duty of such State Commission, board, or officers so designated to examine into the condition of passengers arriving at the ports within such State in any ship or vessel, and for that purpose all or any of such commissioners or officers, or such other person or persons as they shall appoint, shall be authorized to go on board of and through any such ship or vessel;

NOTE.—(1) See note on immigration laws, appended to 1891, March 3, ch. 551, post, p. 934.

Merchandise liable to specific duty may be shipped without appraisement from port of entry.

1880, June 10, ch. 190, ante, p. 293.

1887, Feb. 23, ch. 215, ante, p. 540.

Original invoice to be forwarded, &c.

—only one upon what entry to be made.

Act not to extend to goods subject to *ad valorem* duties.

Application to be prior to landing.

Importation of contract labor prohibited.

1885, Feby. 26, ch. 164, ante, p. 479.

Act to be executed by Secretary of Treasury who may contract with State authorities.

1882, Aug. 3, ch. 376, §§ 2-4, ante, p. 370.

1891, March 3, ch. 551, §§ 8, 9, post, p. 935.

Ships to be examined.

Prohibited persons not to be landed.

And if in such examination there shall be found among such passengers any person included in the prohibition in this act, they shall report the same in writing to the collector of such port, and such persons shall not be permitted to land.

Rules, &c., to be prescribed by Secretary of Treasury.

“SEC. 7. That the Secretary of the Treasury shall establish such regulations and rules, and issue from time to time such instructions, not inconsistent with law, as he shall deem best calculated for carrying out the provisions of this act; and he shall prescribe all forms of bonds, entries, and other papers to be used under and in the enforcement of the various provisions of this act.

1882, Aug. 3, ch. 376, § 3, ante, p. 370.

1891, Mar. 3, ch. 551, § 7, post, p. 935.

Return of prohibited persons.

“SEC. 8. That all persons included in the prohibition in this act, upon arrival, shall be sent back to the nations to which they belong and from whence they came. The Secretary of the Treasury may designate the State board of charities of any State in which such board shall exist by law, or any commission in any State, or any person or persons in any State, whose duty it shall be to execute the provisions of this section and shall be entitled to reasonable compensation therefor to be fixed by regulation prescribed by the Secretary of the Treasury.

1882, Aug. 3, ch. 376, § 4, ante, p. 370.

1888, Oct. 19, ch. 1210, par. 1, post, p. 633.

1891, Mar. 3, ch. 551, § 10, post, p. 936.

40 Fed. Rep., 324.

Regulations for return of persons.

The Secretary of the Treasury shall prescribe regulations for the return of the aforesaid persons to the countries from whence they came, and shall furnish instructions to the board, commission, or persons charged with the execution of the provisions of this section as to the time of procedure in respect thereto, and may change such instructions from time to time. The expense of such return of the aforesaid persons not permitted to land shall be borne by the owners of the vessels in which they came.

Expenses of return.

And any vessel refusing to pay such expenses shall not thereafter be permitted to land at or clear from any port of the United States. And such expenses shall be a lien on said vessel. * * [Part omitted makes appropriation.] * *

R. S., § 5536.

Repeal.

“SEC. 9. That all acts and parts of acts inconsistent with this act are hereby repealed.

When act takes effect.

“SEC. 10. That this act shall take effect at the expiration of thirty days after its passage.” [February 23, 1887.]

February 23, 1887.

CHAP. 221.—An act to amend section three thousand and fifty-eight of the Revised Statutes.

24 Stat. L., 415. Imported merchandise.

Be it enacted, &c., That section three thousand and fifty-eight of the Revised Statutes be amended to read as follows:

Substitute for R. S., § 3058.

“SEC. 3058. All merchandise imported into the United States shall, for the purpose of this title, be deemed and held to be the property of the person to whom the merchandise may be consigned; but the holder of any bill of lading consigned to order and properly indorsed shall be deemed the consignee thereof;

Consignee deemed owner for assessment of duties. 1890, June 10, ch. 407, § 1, post, p. 744.

And in case of the abandonment of any merchandise to the underwriters, the latter may be recognized as the consignee; and under such regulations as the Secretary of the Treasury may prescribe, merchandise saved from a vessel wrecked or abandoned at sea, or on or along the coasts of the United States, and promptly brought into a port of the United States by or in possession of the salvors of the same, can, for the purpose of its title, be regarded as the property of such salvors, and the valuation thereof and payment of duties thereon can be made accordingly and with due reference to the condition of the said merchandise as thus saved and the necessities of the case:

Merchandise saved from wrecks. 1890, June 10, ch. 407, §§ 1, 29, post, pp. 744, 756, 757.

1890, Oct. 1, ch. 1244, § 23, post, p. 861.

Provided, however, That such bringing in by salvors shall be in good faith and without intent to evade the just payment of duty:

And provided further, That nothing herein contained shall be so construed as to prejudice in any other respect the rights of property, or of or through abandonment or allowance of the owner, or any other person interested in said merchandise". [February 23, 1887.]

—right of property not prejudiced.

CHAP. 269.—An act to provide for holding terms of the circuit and district courts of the United States for the eastern district of Michigan at Bay City, in said district.

Feb. 28, 1887.

24 Stat. L., 423.

Be it enacted, &c., That two or more terms of the circuit court and district court of the United States for the eastern district of Michigan shall be held annually at Bay City, in said district, at such times as shall be appointed by such courts therefor.

Eastern dist. Mich.; to be held at Bay City.

R. S., §§ 572, 658. 326, § 9, *ante*, p. 199.

1878, June 19, ch.

SEC. 2. That the clerks of the said circuit and district courts, and the marshal and attorney of said eastern district, shall severally perform the duties appertaining to his office, respectively, for said courts when sitting at Bay City, pursuant to the terms of this act.

Clerks, marshal, and attorney for eastern district to perform duties there.

All the records, files, and papers relating to proceedings had by or before either of said courts when sitting at Bay City, as aforesaid, shall be kept and retained in the office of the clerk of such court at Detroit, in said district, except when actually in use by or before such court, and except when otherwise ordered by such court or a judge thereof. Each of said courts is authorized and required to make all such rules and regulations relative to the summoning of grand and petit jurors to attend upon the sessions of such court at Bay City, and relative to matters of practice therein, that may from time to time be deemed necessary.

SEC. 3. [Superseded (1).] [February 28, 1887.]

NOTE.—(1) This section, authorizing the renting of rooms, is superseded by 1898, June 19, ch. 420 (25 Stat. L., 194), providing for a public building.

CHAP. 271.—An act to amend the act dividing the State of Missouri into two judicial districts, and to divide the eastern and western districts thereof into divisions, establish district and circuit courts of the United States therein, and provide for the times and places for holding such courts, and for other purposes.

Feb. 28, 1887.

24 Stat. L., 424.

Be it enacted, &c., That the city of Saint Louis and the following-named counties in the State of Missouri shall constitute the eastern judicial district of Missouri, to wit: Saint Louis, Franklin, Gasconade, Jefferson, Crawford, Washington, Saint Francois, Saint Genevieve, Dent, Iron, Madison, Perry, Bollinger, Cape Girardeau, Shannon, Reynolds, Wayne, Scott, Carter, Oregon, Ripley, Butler, Stoddard, New Madrid, Mississippi, Dunklin, Pemisnot, Montgomery, Lincoln, Warren, Saint Charles, Macon, Adair, Audrain(1), Clarke, Knox, Lewis, Marion, Monroe, Pike, Ralls, Schuyler, Scotland, Shelly and Randolph.

Missouri. Eastern judicial district defined.

R. S., § 540. 1898, Oct. 1, ch. 1056, *post*, p. 622.

And all the other counties in the State of Missouri shall constitute the western judicial district of Missouri.

Western district.

SEC. 2. That the eastern judicial district of Missouri is hereby divided into two divisions, which shall be known respectively as the northern and eastern divisions of said eastern district.

Eastern district divided.

The city of Saint Louis and the counties of Saint Louis, Franklin, Gasconade, Jefferson Crawford Washington, Saint Francois, Sainte Genevieve, Dent, Iron, Madison, Perry, Bollinger, Cape Girardeau, Shannon, Reynolds, Wayne, Scott, Carter, Oregon, Ripley, Butler, Stoddard, New Madrid, Mississippi, Dunklin, Pemisnot, Mont-

Eastern division.

NOTE.—(1) Audrain County, attached by this act to the northern division of the eastern district, is attached to the central division of the western district by 1898, Oct. 1, ch. 1056, *post*, p. 622, superseding 1898, May 21, ch. 296, (25 Stat. L., 153).

Courts at Saint Louis.

Northern division. Courts at Hannibal.

Western district divided.

1890, Aug. 29, ch. 818, *post*, p. 790.

Western division.

Courts at Kansas City.

Saint Joseph division. Courts at Saint Joseph.

Southern division. Courts at Springfield.

Central division. Courts at Jefferson City.

Jurisdiction of courts in Missouri.

Transfer of cases.

Pending causes.

Transmission of papers, transcripts, &c.

gomery, Lincoln, Warren, and Saint Charles shall constitute the eastern division of said district, the courts for which are now established and held and shall be continued at the city of Saint Louis.

The remaining counties within the eastern district shall constitute the northern division of said district, and the courts therefor shall be held at the city of Hannibal. (2)

The western judicial district of Missouri shall be divided into four divisions to be known as the Saint Joseph, the western, the central, and the southern divisions. The counties of Clay, Ray, Carroll, Chariton, Sullivan, Jackson, La Fayette, Saline, Cass, Johnson, Bates, Henry, Vernon, Putnam, Caldwell, Livingston, Grundy, Mercer, Linn, Barton, Jasper, and Saint Clair shall constitute the western division, the courts circuit and district for which shall be continued at the city of Kansas.

The counties of Atchison, Nodaway, Holt, Andrew, Buchanan, Platte, Clinton, Harrison, Daviess, De Kalb, Gentry, and Worth shall constitute the Saint Joseph division and the courts therefor shall be held at the city of Saint Joseph.

The counties of Cedar, Polk, Dallas, Laclede, Pulaski, Dade, Greene, Webster, Wright, Texas, Lawrence, Christian, Douglass, Howell, Newton, Barry, McDonald, Stone, Taney, and Ozark shall constitute the southern division of said western district, the courts for which shall be held at the city of Springfield.

The remaining counties within the said western district shall constitute the central division of said district, and the courts circuit and district therefor shall be continued and held at Jefferson City.

SEC. 3. [*Superseded by 1890, May 14, ch. 202, post, p. 738.*]

SEC. 4. That hereafter all suits to be brought in the courts of the United States in Missouri, not of a local nature, shall be brought in the division having jurisdiction over the county where the defendants, or either of them reside; but if there be more than one defendant, and a part of them reside in different divisions or districts of said State, the plaintiff may sue in either division of either district where one of such defendants resides, and send duplicate writs to the other division or district directed to the marshal of said district, on which said writs shall be endorsed, by the plaintiff or his attorney, that the same is a duplicate of the original writ sued out of the court of the proper division and district.

Any cause may, by the written consent of both parties or their attorneys of record, be transferred to the court of either division or district, without regard to the residence of the defendants, and whether such cause be now pending or be instituted hereafter.

All civil causes now pending in any of the courts in said eastern or western district, or any division thereof, against parties residing in some other division hereby created, may remain and be finally disposed of in the court in which they are now pending, respectively, unless the defendants therein shall desire to have the same transferred to the appropriate court of the division in which they reside, in which last event such transfer shall be applied for to the court of the division in which the cause is pending;

And when a cause shall be ordered to be transferred, as above provided, to a court in any other division, it shall be the duty of the clerk of the court from which the transfer is made to carefully transmit to the clerk of the court to which the transfer is made the entire file of papers of the cause, and all documents and deposits in his court pertaining thereto, together with a certified transcript of the record of all orders; interlocutory decrees, or other entries in the cause;

And he shall also certify under seal of the court, that the papers sent are all which are on file in said court belonging to the cause, for

NOTE.—(2) The time of holding courts at St. Louis is fixed by R. S., § 572, 658; at Hannibal by 1890, May 14, ch. 202, *post*, p. 738, superseding 1888, Apr. 19, ch. 129 (25 Stat. L., 88); and at Kansas City, Saint Joseph, Jefferson City, and Springfield, by 1890, Aug. 29, ch. 818, *post*, p. 790, superseding 1888, Sept. 26, ch. 1040 (25 Stat. L., 497).

the performance of which duties said clerk so transmitting and certifying shall receive the same fees as now allowed by law for similar services, to be taxed in the bill of costs and regularly collected with the other costs of the cause; and such transcript, when so certified and received, shall thenceforth constitute a part of the record of the cause in the court to which the transfer shall be made.

SEC. 5. That there shall be appointed a clerk for each of said courts at Hannibal, Saint Joseph, City of Kansas and Springfield, and each clerk shall be a resident of the division in which the court of which he is clerk is held; he shall keep an office, and the records, files and documents pertaining to the court of his division, and he shall discharge all the duties and receive the fees required or allowed by law.

Clerks.

And the marshals and the district attorneys for the said eastern and western judicial district shall be the marshal and attorney, respectively, for the divisions for their respective district, and shall be allowed the same fees and be subject to the same duties and liabilities as may be provided by law;

Marshals and district attorneys.

That process issuing out of the courts of either division of said districts shall be directed to the marshal of the district in which the division is located, and may be executed by him or his deputies upon the party or parties against whom issued wherever found within his district; and the marshal of each district shall keep an office and at least one general deputy residing at the place of holding courts in each division, excepting the division in which he may himself reside.

Processors.

SEC. 6. That all civil causes and proceedings in law, equity, or bankruptcy now pending in any district or circuit court of the United States in the State of Missouri, where all the defendants (or plaintiffs, where the jurisdiction is derived from the residence of the plaintiffs) shall reside in either of the divisions in which courts are hereby established, may in the discretion of the court be transferred to the court of the division in which the defendants (or plaintiffs, where the jurisdiction is derived from their residence) reside, and the transfer may be made in vacation or in term-time.

Transfers may be made in vacation or term-time.

If made in vacation, an affidavit of all the parties defendant that they are resident in said division shall be filed, and ten days notice of the purpose and time of hearing of said motion shall be given the opposite party or his attorney of record; but if made in term-time, then on motion and affidavit only.

And the said circuit and district courts for said divisions shall have the same powers and jurisdiction, with the same right to parties to prosecute appeals and writs of error thereupon, as now pertain to the district and circuit courts for said eastern and western judicial districts.

Appeals and writs of error.

All crimes and offenses heretofore committed within either of said districts shall be prosecuted, tried and determined in the same manner and with the same effect as if this act had not been passed.

Crimes.

SEC. 7. [Temporary and superseded.] [February 28, 1887.]

CHAP. 272.—An act to regulate steam-engineering in the District of Columbia.

Feb. 28, 1887.

Be it enacted, &c., That it shall be unlawful for any person to act as steam-engineer in the District of Columbia who shall not have been regularly licensed to do so by the Commissioners thereof.

24 Stat. L., 427.
District of Columbia.
Steam engineers to be licensed.
Board of examiners.

SEC. 2. That all persons applying for such license shall be examined by a board of examiners composed as follows: The boiler-inspector for the District of Columbia and two practical engineers to be appointed by the District Commissioners.

Said examination shall be conducted in all respects under such rules and regulations as the Commissioners of the District of Columbia shall from time to time provide; and all steam-boilers and engines

Rules.

shall be subjected to such tests as the said Commissioners may prescribe.

Qualifications.

SEC. 3. That applicants for license as steam-engineers must be twenty-one years of age and of temperate habits; must make application in writing, to which application must be attached a certificate as to character and moral habits signed by at least three citizens of the District of Columbia, themselves of moral standing.

Fee, \$3.

SEC. 4. That the fee for a license as steam-engineer shall be three dollars.

Punishment for intoxication.

SEC. 5. That any person employed as a licensed steam-engineer in the District of Columbia who is found under the influence of intoxicating liquor while on duty, shall, for the first offense, have his license revoked for six months; for the second offense, twelve months; and for the third offense, shall have his license revoked and be debarred from following the occupation of licensed steam-engineer in the District of Columbia for the period of five years.

— for employing non-licensed engineers.

SEC. 6. That any owner or lessee of steam-boiler or engine, or the secretary of any corporation, who shall knowingly employ a steam-engineer as such who has not been regularly licensed to act as such, shall on conviction thereof by the police court of the District of Columbia, be fined fifty dollars, and in default of payment of such fine shall be confined for a period of one month in the workhouse of the District of Columbia:

Heating boilers.

Provided, That boilers used for steam-heating, where the water returns to the boiler without the use of a pump and injector or inspirator, and which are worked automatically, shall be exempt from the provisions of this section.

Section not to apply to engineers licensed by U. S., &c.

SEC. 7. That the foregoing section shall not apply to engineers who have been licensed by the United States Government or the laws of any State.

19 Opins., 75.

When act takes effect.

SEC. 8. That this act shall take effect sixty days after the approval thereof. [*February 28, 1887.*]

Feb. 28, 1887.

CHAP. 273.—To provide for holding terms of United States courts at Texarkana, Arkansas, and for other purposes.

24 Stat. L., 428.

Arkansas, eastern district, courts of, to be held at Texarkana.

R. S., §§ 533, 572, 658.

1877, Jan. 31, ch. 41, *ante*, p. 129. 189, *ante*, pp. 497, Texarkana division.

Be it enacted, &c., That terms of the circuit and district courts of the United States for the eastern judicial district for the State of Arkansas shall be held twice in each year at the city of Texarkana, in said eastern judicial district, commencing on the second Mondays in January and July, to be known as the Texarkana division of said district.

1886, June 19, ch. 422; 1887, Feb. 17, ch. 538. 1890, March 7, ch. 28, *post*, p. 707.

SEC. 2. That all process, civil and criminal, against persons residing in the counties of Columbia, Howard, Hempstead, La Fayette, Little River, Miller, Nevada, Ouachita, Pike, and Sevier, shall be made returnable to said courts, respectively, at said city of Texarkana:

Jurisdiction of crimes heretofore committed.

Provided, That all crimes and offenses heretofore committed within the division created by this act shall be prosecuted, tried and determined in the same manner and with the same effect as if this act had not been passed.

Deputy clerk.

SEC. 3. That the clerk of the courts for said district shall appoint a deputy for the said division, who shall keep an office open at all times in the city of Texarkana, and shall there keep the records, files, and documents pertaining to the courts authorized by this act. [*February 28, 1887.*]

CHAP. 275.—An act to make Tampa, Florida, a port of entry.

February 28, 1887.

Be it enacted, &c., That the port of Tampa, Hillsborough County, Florida, be, and the same is hereby, made a port of entry. [February 28, 1887.]

24 Stat. L., 429.
Tampa, Fla., a
port of entry.
R. S., § 2562.
1886, May 1, Res
post, pp. 652, 711.

No. 12, ante, p. 516. 1889, March 1, ch. 311; 1890, April 3, ch. 62,

CHAP. 278.—An act to define the boundaries of the collection districts of Miami and Sandusky, in the State of Ohio.

February 28, 1887.

Be it enacted, &c., That section twenty-six hundred and three of the Revised Statutes is hereby so amended that the district of Miami, in the State of Ohio, shall comprise all the waters and shores of Lake Erie within the jurisdiction of the United States from the western bank of the Portage River to the western bank of the Miami River, in which Toledo shall be the port of entry;

24 Stat. L., 490.
Ohio Collection
districts.
Miami.
Superseding
R. S., § 2603.

And so that the district of Sandusky shall comprise all the waters and shores of Lake Erie within the jurisdiction of the United States from the eastern bank of the Vermillion River to and including the western bank of the Portage River, and all the islands at the head of Lake Erie, lying east of a line drawn north from the west bank of the Portage River at its mouth, in which Sandusky shall be the port of entry.

Sandusky.

Vessels shall be allowed to ply between the port of Toledo, in the Miami district, and any of the said islands, in the same manner and subject to the same conditions only as if said islands were in the district of Miami. [February 28, 1887.]

CHAP. 279.—An act to provide for holding terms of United States courts at Vicksburg, Mississippi.

February 28, 1887.

Be it enacted, &c., That the counties of Washington, Sharkey, Issaquena, and Warren shall constitute a part of the southern judicial district of Mississippi, and shall be known as the western division of said district; 1882, June 15, ch. 218, ante, p. 344. 1888, April 11,

24 Stat. L., 430.
Mississippi.—
Western division,
southern district.
R. S., § 539.
ch. 81, post, p. 584.
Courts at Vicks-
burg.

And circuit and district courts for the transaction of business pertaining to the persons and property in said western division shall be held at the city of Vicksburg on the first Mondays of January and July in each year, and shall be held for four weeks, or so long as business may require.

Jurisdiction.

SEC. 2. That the said courts to be held at Vicksburg as provided in section one of this act shall be possessed of and shall exercise all the powers and jurisdiction now possessed or exercised, or which may hereafter be granted to or exercised, by the circuit and district courts in said district now held at Jackson; and all laws regulating and defining how suits against persons or property located or found in judicial districts shall be brought shall be applicable to and govern the bringing of suits in said division; and all laws touching the removal of causes from State courts to United States courts shall apply to said court hereby established;

Crimes.

But all crimes and offenses heretofore committed within said southern district shall be prosecuted, tried and determined in the same manner and with the same effect as if this act had not been passed.

SEC. 3. [Relates to pending cases.]

SEC. 4. That the marshal and clerks of said southern district of Mississippi shall appoint deputies, who shall reside at Vicksburg and act as marshal and clerk of said courts in place of their principals.

Marshal and
clerks to appoint
deputies.

SEC. 5. [Superseded.] [February 28, 1887.]

Feb. 28, 1887.

CHAP. 281.—An act to enable foreign executors and administrators to sue in the District of Columbia, and for other purposes.

24 Stat. L., 481.

District of Columbia.

Foreign executors and administrators may sue in.

Reenactment of 1812, June 24, ch. 106, § 11 (2 Stat. L., 758) omitted from R. S. of D. C.

14 Pet., 33.

15 Pet., 1.

18 Howard, 168.

— may be required to give security.

Exceptions in favor of parties beyond District repealed.

Reenactment of R. S. of D. C., § 466. 94 U. S., 773.

Be it enacted, &c., That from and after the passage of this act it shall be lawful for any person or persons to whom letters testamentary or of administration have been or hereafter may be granted by the proper authority, in any of the United States or the Territories thereof, to maintain any suit or action and to prosecute and recover any claim in the District of Columbia, in the same manner as if the letters testamentary or of administration had been granted to such person or persons by the proper authority in the said District;

And the letters testamentary or of administration, or a copy thereof, certified under the seal of the authority granting the same, shall be sufficient evidence to prove the granting thereof, and that the person or persons, as the case may be, hath or have administration:

Provided, nevertheless, That the supreme court of the District of Columbia shall have the power, and such power is hereby given to the said court, upon petition of any one interested, to require from such person or persons the security now required by law in like case from a resident administrator or executor.

SEC. 2. That all exceptions in favor of parties beyond the District of Columbia which may by existing laws be replied or relied on in any action or proceeding brought in the said District are hereby repealed and abrogated:

Provided, That this section shall not affect the right of parties in actions now pending. [February 28, 1887.]

Feb. 28, 1887.

CHAP. 287.—An act to effect a rearrangement of grades of office in the Adjutant-General's Department of the Army.

24 Stat. L., 434.

Adjutant-General's department. Number, grade, and rank of officers.

R. S., §§ 1118, 1194.

Be it enacted, &c., That the Adjutant-General's Department of the Army shall consist of one Adjutant-General, with the rank, pay, and emoluments of brigadier-general; four assistant adjutants-general, with the rank, pay, and emoluments of colonel; six assistant adjutants-general, with the rank, pay, and emoluments of lieutenant-colonel; and six assistant adjutants-general, with the rank, pay, and emoluments of major:

Provided, That the vacancies in the grade of colonel and lieutenant-colonel created by this act shall be filled by the promotion by seniority of the officers now in the Adjutant-General's Department. [February 28, 1887.]

Feb. 28, 1887.

CHAP. 288.—An act relating to the importing and landing of mackerel caught during the spawning season.

24 Stat. L., 434.

Mackerel, except Spanish, not to be imported between March and June for five years.

Be it enacted, &c., That for the period of five years from and after the first day of March, eighteen hundred and eighty-eight, no mackerel, other than what is known as Spanish mackerel, caught between the first day of March and the first day of June, inclusive, of each year, shall be imported into the United States or landed upon its shores:

Provided however, That nothing in this act shall be held to apply to mackerel caught with hook and line from boats, and landed in said boats, or in traps and weirs connected with the shore.

SEC. 2. That section forty-three hundred and twenty-one of the Revised Statutes is amended, for the period of five years aforesaid, so as to read before the last sentence as follows: "This license does not grant the right to fish for mackerel, other than for what is known as Spanish mackerel, between the first day of March and the

Fishing licenses to include prohibition.

R. S., § 4321.

first day of June, inclusive, of this year." Or in lieu of the foregoing there shall be inserted so much of said period of time as may remain unexpired under this act.

SEC. 3. That the penalty for the violation or attempted violation of this act shall be forfeiture of license on the part of the vessel engaged in said violation, if a vessel of this country, and the forfeiture to the United States, according to law, of the mackerel imported or landed, or sought to be imported or landed.

Penalty.

SEC. 4. That all laws in conflict with this law are hereby repealed. [February 28, 1887.]

Repeal.

CHAP. 311.—An act to organize the Hospital Corps of the Army of the United States, to define its duty and fix its pay.

March 1, 1887.

24 Stat. L., 435.
Hospital Corps of the army; of what to consist, &c.
R. S., §§ 1179, 1180, 1181.

Be it enacted, &c., That the Hospital Corps of the United States Army shall consist of hospital stewards, acting hospital stewards, and privates; and all necessary hospital services in garrison, camp, or field (including ambulance service) shall be performed by the members thereof, who shall be regularly enlisted in the military service;

Said Corps shall be permanently attached to the Medical Department, and shall not be included in the effective strength of the Army nor counted as a part of the enlisted force provided by law.

—attached to medical department.
1874, June 23, ch. 458, § 4, ante, p. 45.
Hospital stewards.

SEC. 2. That the Secretary of War is empowered to appoint as many hospital stewards as, in his judgment, the service may require; but not more than one hospital steward shall be stationed at any post or place without special authority of the Secretary of War.

SEC. 3. That the pay of hospital stewards shall be forty-five dollars per month, with the increase on account of length of service as is now or may hereafter be allowed by law to other enlisted men.

—pay.

They shall have rank with ordnance-sergeants and be entitled to all the allowances appertaining to that grade.

—rank.

SEC. 4. That no person shall be appointed a hospital steward unless he shall have passed a satisfactory examination before a board of one or more medical officers as to his qualifications for the position, and demonstrated his fitness therefor by service of not less than twelve months as acting hospital steward; and no person shall be designated for such examination except by written authority of the Surgeon-General.

—examination.

SEC. 5. That the Secretary of War is empowered to enlist, or cause to be enlisted, as many privates of the Hospital Corps as the service may require, and to limit or fix the number, and make such regulations for their government as may be necessary; and any enlisted man in the Army shall be eligible for transfer to the Hospital Corps as a private.

Privates, enlistment of.

They shall perform duty as wardmasters, cooks, nurses, and attendants in hospitals, and as stretcher-bearers, litter-bearers, and ambulance attendants in the field, and such other duties as may by proper authority be required of them.

—duties.

SEC. 6. That the pay of privates of the Hospital Corps shall be thirteen dollars per month, with the increase on account of length of service as is now or may hereafter be allowed by law to other enlisted men;

—pay.

They shall be entitled to the same allowances as a corporal of the arm of service with which on duty.

—rank.

SEC. 7. That privates of the Hospital Corps may be detailed as acting hospital stewards by the Secretary of War, upon the recommendation of the Surgeon-General, whenever the necessities of the service require it; and while so detailed their pay shall be twenty-five dollars per month, with increase as above stated.

—detailed as acting hospital stewards, pay of, &c.

—promotion.

Acting hospital stewards, when educated in the duties of the position, may be eligible for examination for appointment as hospital stewards as above provided.

Repeal.

SEC. 8. That all acts and parts of acts in so far as they contravene the provisions of this act are hereby repealed. [March 1, 1887.]

March 2, 1887.

24 Stat. L., 440.

CHAP. 314.—An act to establish agricultural experiment stations in connection with the colleges established in the several States under the provisions of an act approved July second, eighteen hundred and sixty-two, and of the acts supplementary thereto.

State agricultural experiment stations at agricultural colleges aided by U. S.

1862, July 2, ch. 130, (12 Stat. L., 503.)

1866, July 23, ch. 209 (14 Stat. L., 206).

1890, Aug. 30, ch. 841, post, p. 797.

Where two colleges in one State, aid to be divided.

Object and duty of such station.

1889, March 2, ch. 373, post, p. 679.

Secretary of Agriculture to advise, assist, furnish forms, &c.

1889, Feb. 9, ch. 122, post, p. 641.

1891, March 3, ch. 544, par. 1, post, p. 930.

Stations to make annual reports.

Be it enacted, &c., That in order to aid in acquiring and diffusing among the people of the United States useful and practical information on subjects connected with agriculture, and to promote scientific investigation and experiment respecting the principles and applications of agricultural science, there shall be established, under direction of the college or colleges or agricultural department of colleges in each State or Territory established, or which hereafter may be established, in accordance with the provisions of an act approved July second, eighteen hundred and sixty-two, entitled "An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts," or any of the supplements to said act, a department to be known and designated as an "agricultural experiment station."

Provided, That in any State or Territory in which two such colleges have been or may be so established the appropriation hereinafter made to such State or Territory shall be equally divided between such colleges, unless the legislature of such State or Territory shall otherwise direct.

SEC. 2. That it shall be the object and duty of said experiment stations to conduct original researches or verify experiments on the physiology of plants and animals;

The diseases to which they are severally subject, with the remedies for the same;

The chemical composition of useful plants at their different stages of growth;

The comparative advantages of rotative cropping as pursued under a varying series of crops;

The capacity of new plants or trees for acclimation;

The analysis of soils and water;

The chemical composition of manures, natural or artificial, with experiments designed to test their comparative effects on crops of different kinds;

The adaptation and value of grasses and forage plants;

The composition and digestibility of the different kinds of food for domestic animals;

The scientific and economic questions involved in the production of butter and cheese;

And such other researches or experiments bearing directly on the agricultural industry of the United States as may in each case be deemed advisable, having due regard to the varying conditions and needs of the respective States or Territories.

SEC. 3. That in order to secure, as far as practicable, uniformity of methods and results in the work of said stations, it shall be the duty of the United States Commissioner of Agriculture to furnish forms, as far as practicable, for the tabulation of results of investigation or experiments; to indicate, from time to time, such lines of inquiry as to him shall seem most important; and, in general, to furnish such advice and assistance as will best promote the purposes of this act.

It shall be the duty of each of said stations, annually, on or before the first day of February, to make to the governor of the State or

Territory in which it is located a full and detailed report of its operations, including a statement of receipts and expenditures, a copy of which report shall be sent to each of said stations, to the said Commissioner of Agriculture, and to the Secretary of the Treasury of the United States.

SEC. 4. That bulletins or reports of progress shall be published at said stations at least once in three months, one copy of which shall be sent to each newspaper in the States or Territories in which they are respectively located, and to such individuals actually engaged in farming as may request the same, and as far as the means of the station will permit.

Such bulletins or reports and the annual reports of said stations shall be transmitted in the mails of the United States free of charge for postage, under such regulations as the Postmaster-General may from time to time prescribe.

SEC. 5. That for the purpose of paying the necessary expenses of conducting investigations and experiments and printing and distributing the results as hereinbefore prescribed, the sum of fifteen thousand dollars per annum is hereby appropriated to each State, to be specially provided for by Congress in the appropriations from year to year, and to each Territory entitled under the provisions of section eight of this act, out of any money in the Treasury proceeding from the sales of public lands, to be paid in equal quarterly payments, on the first day of January, April, July, and October in each year, to the treasurer or other officer duly appointed by the governing boards of said colleges to receive the same, the first payment to be made on the first day of October, eighteen hundred and eighty-seven:

Provided, however, That out of the first annual appropriation so received by any station an amount not exceeding one-fifth may be expended in the erection, enlargement, or repair of a building or buildings necessary for carrying on the work of such station; and thereafter an amount not exceeding five per centum of such annual appropriation may be so expended.

SEC. 6. That whenever it shall appear to the Secretary of the Treasury from the annual statement of receipts and expenditures of any of said stations that a portion of the preceding annual appropriation remains unexpended, such amount shall be deducted from the next succeeding annual appropriation to such station, in order that the amount of money appropriated to any station shall not exceed the amount actually and necessarily required for its maintenance and support.

SEC. 7. That nothing in this act shall be construed to impair or modify the legal relation existing between any of the said colleges and the government of the States or Territories in which they are respectively located.

SEC. 8. That in States having colleges entitled under this section to the benefits of this act and having also agricultural experiment stations established by law separate from said colleges, such States shall be authorized to apply such benefits to experiments at stations so established by such States;

And in case any State shall have established under the provisions of said act of July second aforesaid, an agricultural department or experimental station, in connection with any university, college or institution not distinctively an agricultural college or school, and such State shall have established or shall hereafter establish a separate agricultural college or school, which shall have connected therewith an experimental farm or station, the legislature of such State may apply in whole or in part the appropriation by this act made, to such separate agricultural college, or school, and no legislature shall by contract express or implied disable itself from so doing.

Bulletins to be issued.

—to be mailed free of postage.

1877, March 3, ch. 103, § 5, *ante*, p. 135. 1884, July 3, ch. 234, § 3, *ante*, p. 467.

Annual appropriation of \$15,000 to each State from sales of public lands.

1891, March 3, ch. 544, par. 1, *post*, p. 930.

Buildings.

Unexpended balance of any year to be deducted next year.

Legal relation to States not affected.

Application to stations established separate from colleges or from those not agricultural.

Legislative assent necessary.
1888, June 7, ch. 373, *post*, p. 589.

No permanent obligation imposed on U. S.

SEC. 9. That the grants of moneys authorized by this act are made subject to the legislative assent of the several States and Territories to the purposes of said grants:

Provided, That payment of such instalments of the appropriation herein made as shall become due to any State before the adjournment of the regular session of its legislature meeting next after the passage of this act shall be made upon the assent of the governor thereof duly certified to the Secretary of the Treasury.

SEC. 10. Nothing in this act shall be held or construed as binding the United States to continue any payments from the Treasury to any or all the States or institutions mentioned in this act, but Congress may at any time amend suspend or repeal any or all the provisions of this act. [March 2, 1887.]

March 2, 1887.

24 Stat. L., 442.

Judicial districts of Illinois.
R. S., § 528.

Northern district divided.
— southern division.

Terms of court for northern division at Chicago.
R. S., §§ 572, 658.
— of southern division at Peoria.

Venue of civil suits.

— when defendant is non-resident.

Clerks.

— offices of.

— deputies of.
R. S., § 624.

Deputies of marshal and clerk for southern division.

CHAP. 315—An act to amend section five hundred and thirty-six of the Revised Statutes of the United States, relating to the division of the State of Illinois into judicial districts, and to provide for holding terms of court of the northern district at the city of Peoria.

Be it enacted, &c., That the counties of McDonough, Fulton, and Tazewell be detached from the southern district of Illinois and be included in the northern district of Illinois.

SEC. 2. That the northern district of Illinois shall be divided into two divisions, to be known as the northern and southern divisions.

The counties of Peoria, Stark, Henry, Rock Island, Mercer, Henderson, Warren, Knox, McDonough, Fulton, Putnam, Marshall, Woodford, Tazewell, Livingston, and Iroquois shall constitute the southern division of said northern district of Illinois, the courts for which shall be held at the city of Peoria.

SEC. 3. That the terms of the circuit and district courts in and for said northern district of Illinois shall be held at the city of Chicago, as now provided by law,

And at the city of Peoria, in the southern division of said district, on the third Mondays of April and October of each year.

SEC. 4. That all civil suits not of a local nature, and criminal prosecutions, must be brought in the division of the said northern district of Illinois where the defendant or defendants reside or the offence is committed; but if there are two or more defendants in civil suits residing in the different divisions or districts, the action may be brought in either in which either of the defendants may reside.

When the defendant is a non-resident of the district, action may be brought in either division of said district wherein the defendant may be found.

SEC. 5. That the clerks of the circuit and district courts of the northern district of Illinois shall be respectively the clerks of the courts of both divisions of the said district;

That each of said clerks, or his deputies, shall keep an office open at all times at each of the places of holding said court, and shall there keep the records, files, and documents pertaining to the court of that division; and said clerk shall be entitled to the same fees now allowed him by law.

In addition to his powers to appoint deputies, as now prescribed by law, each of said clerks shall be required to appoint a chief deputy for the court of that division in which he himself may not reside, who shall have all the powers of the clerk in his absence.

SEC. 6. That the marshal and clerk for said northern district of Illinois shall respectively appoint at least one deputy residing in the said southern division, unless he shall reside there himself, and also maintain an office at that place of holding court.

SECS. 7, 8, 9. [Relates to pending causes.]

SEC. 10. That the judge of the United States circuit or district court for said northern district of Illinois may, by order, from time to time, appoint and hold additional special terms of said court in said southern division of said district, for the disposal of the unfinished business thereof, whenever the interest of the public and condition of the docket shall so require.

Illinois.
Special terms in southern division of northern district.

SEC. 11. [*Relates to past offenses.*] [March 2, 1887.]

CHAP. 316.—An act to provide for the location and erection of a branch home for disabled volunteer soldiers west of the Rocky Mountains.

March 2, 1887.

24 Stat. L., 444.

Be it enacted, &c., That the Board of Managers of the (1) National Home for Disabled Volunteer Soldiers are hereby authorized, empowered, and directed to locate, establish, construct, and permanently maintain a branch of said National Home for Disabled Volunteer Soldiers to be by such Board located at (2) such place in the States west of the Rocky Mountains as to said Board shall appear most desirable and advantageous; [*words omitted make appropriation*].

National Home for Disabled Volunteer Soldiers; branch to be established west of Rocky Mountains. R. S., §§ 4825-4837.

SEC. 2. That all honorably discharged soldiers and sailors who served in the regular and volunteer forces of the United States, and who are disabled by disease, wounds, or otherwise, and who have no adequate means of support, and by reason of such disability are incapable of earning their living, shall be entitled to be admitted to said home for disabled volunteer soldiers, subject to like regulations as they are now admitted to existing branches of the National Home for Disabled Volunteer Soldiers.

Admissions. 1884, July 5, ch. 223, § 5, *ante*, p. 463. 1890, June 27, ch. 634, § 1, *post*, p. 760.

SEC. 3. [*Executed.*]

SEC. 4. * * That hereafter the number of managers of the said Home elected by Congress, shall be (3) ten instead of nine, as at present, one of whom shall be a resident of a State or Territory west of the Rocky Mountains. [March 2, 1887.]

One manager to be from west of Rocky Mountains.

NOTES.—(1) See note on National Soldiers' Homes, appended to 1875, March 3, ch. 120, par. 6, *ante*, p. 71.

(2) Located at Santa Monica, Cal.

(3) Increased to eleven by 1891, March 3, Res. No. 21, *post* p. 966.

CHAP. 318.—An act relating to contested elections.

March 2, 1887.

24 Stat. L., 445.

Be it enacted, &c., That section one hundred and twenty-seven of the Revised Statutes of the United States be so amended as to read as follows:

"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 or by express, addressed to the Clerk of the House of Representatives of the United States, Washington, District of Columbia; 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 endorsement.

Contested elections, House of Representatives; testimony, how sent to clerk of House and opened.

Substitute for R. S., § 127.

1875, March 2, ch. 119, *ante*, p. 69.

1879, March 3, ch. 182, par. 14, *ante*, p. 252.

"The Clerk of the House of Representatives, upon the receipt of such deposition or testimony, shall notify the contestant and the contestee, by registered letter through the mails, to appear before him at the Capitol, in person or by attorney, at a reasonable time to be named, not exceeding twenty days from the mailing of such letter, for the purpose of being present at the opening of the sealed

Notice to parties.

House election contests: Opening of package of evidence; printing, &c.

packages of testimony and of agreeing upon the parts thereof to be printed.

Upon the day appointed for such meeting the said clerk shall proceed to open all the packages of testimony in the case, in the presence of the parties or their attorneys, and such portions of the testimony as the parties may agree to have printed shall be printed by the Public Printer, under the direction of the said clerk; and in case of disagreement between the parties as to the printing of any portion of the testimony, the said clerk shall determine whether such portion of the testimony shall be printed; and the said clerk shall prepare a suitable index to be printed with the record.

And the notice of contest and the answer of the sitting member shall also be printed with the record.

Clerk to open when parties do not attend.

"If either party, after having been duly notified, should fail to attend, by himself or by an attorney, the clerk shall proceed to open the packages, and shall cause such portions of the testimony to be printed, as he shall determine.

Testimony and briefs to be laid before Committee on Elections and furnished parties.

"He shall carefully seal up and preserve the portions of the testimony not printed, as well as the other portions when returned from the Public Printer, and lay the same before the Committee on Elections at the earliest opportunity.

As soon as the testimony in any case is printed the clerk shall forward by mail, if desired, two copies thereof to the contestant and the same number to the contestee; and shall notify the contestant to file with the clerk, within thirty days, a brief of the facts and the authorities relied on to establish his case.

The clerk shall forward by mail two copies of the contestants' brief to the contestee, with like notice.

"Upon receipt of the contestee's brief the clerk shall forward two copies thereof to the contestant, who may, if he desires, reply to new matter in the contestee's brief within like time.

Briefs to be printed, &c.

All briefs shall be printed at the expense of the parties respectively, and shall be of like folio as the printed record; and sixty copies thereof shall be filed with the clerk for the use of the committee on Elections." [March 2, 1887.]

March 2, 1887.

24 Stat. L., 449.

CHAP. 320.—An act making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with the various Indian tribes, for the year ending June thirtieth, eighteen hundred and eighty-eight, and for other purposes.

Secretary of Interior may use for Indians money covered into Treasury from sales of timber, &c.

1883, March 3, ch. 141, par. 1, ante, p. 416.

Crimes against Indian police or Indian deputy marshal to be tried in district courts.

1885, March 3, ch. 341, ante, p. 482.

130 U. S., 343.

Be it enacted, &c. [Par. 1.] * * That the Secretary of the Interior is hereby authorized to use the money which has been or may hereafter be covered into the Treasury under the provisions of the act approved March third, eighteen hundred and eighty-three, and which is carried on the books of that Department under the caption of "Indian moneys, proceeds of labor," for the benefit of the several tribes on whose account said money was covered in, in such way and for such purposes as in his discretion he may think best, and shall make annually a detailed report thereof to Congress. * *

[Par. 2.] (1) That immediately upon and after the passage of this act any Indians committing against the person of any Indian policeman appointed under the laws of the United States, or any Indian United States deputy marshal, while lawfully engaged in the execution of any United States process, or lawfully engaged in any other duty imposed upon such policeman or marshal by the laws of the United States, any of the following crimes, namely, murder, manslaughter, or assault with intent to kill, within the Indian Territory, shall be subject to the laws of the United States relating to such crimes, and shall be tried by the district court of the United States exercising criminal jurisdiction where said offense was committed,

NOTE.—(1) The act of 1898, June 9, ch. 382, post, p. 589, contains more extended provisions on this subject, and perhaps supersedes this paragraph.

and shall be subject to the same penalties as are all other persons charged with the commission of said crimes, respectively; and the said courts are hereby given jurisdiction in all such cases. * *

[Par. 3.] For support of schools. * * That the Secretary of the Interior shall report annually, on or before the first Monday of December of each year, in what manner and for what purposes the general education fund for the preceding fiscal year has been expended; and said report shall embrace the number and kind of school-houses erected, and their cost, as well as cost of repairs, names of every teacher employed, and compensation allowed, the location of each school, and the average attendance at each school: (2) * * [March 2, 1887.]

Secretary of Interior to report annually manner of expenditure of Indian education fund.

R. S., § 445.

NOTE.—(2) Similar provisions are contained in previous appropriation acts (23 Stat. L., 381, 24 Stat. L., 45).

CHAP. 339.—An act to authorize the President of the United States to protect and defend the rights of American fishing vessels, American fishermen, American trading and other vessels, in certain cases, and for other purposes.

March 3, 1887.

24 Stat. L., 475.

Be it enacted, &c., That whenever the President of the United States shall be satisfied that American fishing vessels or American fishermen, visiting or being in the waters or at any ports or places of the British dominions of North America, are or then lately have been denied or abridged in the enjoyment of any rights secured to them by treaty or law, or are or then lately have [been] unjustly vexed or harassed in the enjoyment of such rights, or subjected to unreasonable restrictions, regulations, or requirements in respect of such rights; or otherwise unjustly vexed or harassed in said waters, ports or places;

When United States fishing vessels are denied rights in British dominion of North America—

Or whenever the President of the United States shall be satisfied that any such fishing vessels or fishermen, having a permit under the laws of the United States to touch and trade at any port or ports, place or places, in the British dominions of North America, are or then lately have been denied the privilege of entering such port or ports, place or places in the same manner and under the same regulations as may exist therein applicable to trading vessels of the most favored nation, or shall be unjustly vexed or harassed, in respect thereof, or otherwise be unjustly vexed or harassed therein, or shall be prevented from purchasing such supplies as may there be lawfully sold to trading vessels of the most favored nation;

—the President may
1883, March 3,
Res. No. 22, ante,
p. 422.
1886, June 19,
ch. 421, § 17, ante,
p. 496.

Or whenever the President of the United States shall be satisfied that any other vessels of the United States, their masters or crews, so arriving at or being in such British waters or ports or places of the British dominions of North America, are or then lately have been denied any of the privileges therein accorded to the vessels, their masters or crews, of the most favored nation, or unjustly vexed or harassed in respect of the same, or unjustly vexed or harassed therein by the authorities thereof, then, and in either or all of such cases,

It shall be lawful, and it shall be the duty of the President of the United States, in his discretion, by proclamation to that effect, to deny vessels, their masters and crews, of the British dominions of North America, any entrance into the waters, ports, or places of, or within the United States (with such exceptions in regard to vessels in distress, stress of weather, or needing supplies as to the President shall seem proper), whether such vessels shall have come directly from said dominions on such destined voyage or by way of some port or place in such destined voyage elsewhere;

—issue proclamation denying vessels of said dominions entry into United States, &c.

And also, to deny entry into any port or place of the United States of fresh fish or salt fish or any other product of said dominions, or other goods coming from said dominions to the United States.

—and may deny entry of fish and other goods therefrom.

The President may apply proclamation to any part of subjects named.

Forfeiture for violation.

—punishment.

The President may, in his discretion, apply such proclamation to any part or to all of the foregoing-named subjects, and may revoke, qualify, limit, and renew such proclamation from time to time as he may deem necessary to the full and just execution of the purposes of this act.

Every violation of any such proclamation, or any part thereof, is hereby declared illegal, and all vessels and goods so coming or being within the waters, ports, or places of the United States contrary to such proclamation shall be forfeited to the United States; and such forfeiture shall be enforced and proceeded upon in the same manner and with the same effect as in the case of vessels or goods whose importation or coming to or being in the waters or ports of the United States contrary to law may now be enforced and proceeded upon.

Every person who shall violate any of the provisions of this act, or such proclamation of the President made in pursuance hereof, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine not exceeding one thousand dollars, or by imprisonment for a term not exceeding two years, or by both said punishments, in the discretion of the court. [March 3, 1887.]

March 3, 1887.

CHAP. 340.—An act to restrict the ownership of real estate in the Territories to American citizens, and so forth.

24 Stat. L., 476.

In Territories alien persons or corporations prohibited from acquiring real estate except, &c.

19 Opins., 26.
133 U. S. 258.

Be it enacted, &c., That it shall be unlawful for any person or persons not citizens of the United States, or who have not lawfully declared their intention to become such citizens, or for any corporation not created by or under the laws of the United States or of some State or Territory of the United States, to hereafter acquire, hold, or own real estates so hereafter acquired, or any interest therein, in any of the Territories of the United States or in the District of Columbia, except such as may be acquired by inheritance or in good faith in the ordinary course of justice in the collection of debts heretofore created:

Treaty-rights not impaired.

1868, March 9,
ch. 30, post, p. 582.

Provided, That the prohibition of this section shall not apply to cases in which the right to hold or dispose of lands in the United States is secured by existing treaties to the citizens or subjects of foreign countries, which rights, so far as they may exist by force of any such treaty shall continue to exist so long as such treaties are in force, and no longer.

Corporation in which more than 20 per cent. of stock is held by aliens not to hold real estate.

SEC. 2. That no corporation or association more than twenty per centum of the stock of which is or may be owned by any person or persons, corporation or corporations, association or associations, not citizens of the United States, shall hereafter acquire or hold or own any real estate hereafter acquired in any of the Territories of the United States or of the District of Columbia.

Limit to quantity of land which may be held by corporations.

SEC. 3. That no corporation other than those organized for the construction or operation of railways, canals, or turnpikes shall acquire, hold, or own more than five thousand acres of land in any of the Territories of the United States;

And no railroad, canal, or turnpike corporation shall hereafter acquire, hold, or own lands in any Territory, other than as may be necessary for the proper operation of its railroad, canal, or turnpike, except such lands as may have been granted to it by act of Congress.

But the prohibition of this section shall not affect the title to any lands now lawfully held by any such corporation.

Property unlawfully held to be forfeited.

SEC. 4. That all property acquired, held, or owned in violation of the provisions of this act shall be forfeited to the United States, and it shall be the duty of the Attorney-General to enforce every such forfeiture by bill in equity or other proper process.

And in any suit or proceeding that may be commenced to enforce the provisions of this act, it shall be the duty of the court to determine the very right of the matter without regard to matters of form, joinder of parties, multifariousness, or other matters not affecting the substantial rights either of the United States or of the parties concerned in any such proceeding arising out of the matters in this act mentioned. [March 3, 1887.]

Right to be determined without regard to form, &c.

CHAP. 345.—An act authorizing an investigation of the books, accounts, and methods of railroads which have received aid from the United States, and for other purposes.

March 3, 1887.

24 Stat. L., 488.

Be it enacted, &c. [Sections 1, 2, and 3 relate wholly to a temporary commission for the investigation of certain railroads. Not being general legislation, they are, therefore, omitted.]

SEC. 4. That whenever, in the opinion of the President, it shall be deemed necessary to the protection of the interests and the preservation of the security of the United States in respect of its lien, mortgage, or other interest in any of the property of any or all of the several companies upon which a lien, mortgage, or other incumbrance paramount to the right, title, or interest of the United States for the same property, or any part of the same, may exist and be then lawfully liable to be enforced, the Secretary of the Treasury shall, under the direction of the President, redeem or otherwise clear off such paramount lien, mortgage, or other incumbrance by paying the sums lawfully due in respect thereof out of the Treasury;

Secretary of Treasury under direction of President, may redeem mortgages, &c., on railroads subject to which United States have liens, &c.

R. S., §§ 5256-5262.

And the United States shall thereupon become and be subrogated to all rights and securities theretofore pertaining to the debt, mortgage, lien, or other incumbrance in respect of which such payment shall have been made.

It shall be the duty of the Attorney-General, under the direction of the President, to take all such steps and proceedings, in the courts and otherwise, as shall be needful to redeem such lien, mortgage, or other incumbrance, and to protect and defend the rights and interests of the United States in respect of the matters in this section mentioned, and to take steps to foreclose any mortgages or liens of the United States on any such railroad property.

Proceedings by Attorney-General.

SEC. 5. That the sinking-funds which are or may be held in the Treasury for the security of the indebtedness of either or all of said railroad companies may, in addition to the investments now authorized by law, be invested in any bonds of the United States heretofore issued for the benefit of either or all of said companies, or in any of the first-mortgage bonds of either of said companies which have been issued under the authority of any law of the United States and secured by mortgages of their roads and franchises, which by any law of the United States have been made prior and paramount to the mortgage, lien, or other security of the United States in respect of its advances to either of said companies as provided by law. [March 3, 1887.]

Sinking funds of railroads, how may be invested. 1878, May 7, ch. 96, § 3, ante, p. 161. 18 Opins., 598. 19 Opins., 491.

CHAP. 346.—An act authorizing the employment of mail-messengers in the postal service.

March 3, 1887.

24 Stat. L., 492.

Be it enacted, &c., That the Postmaster-General be, and he is hereby, authorized to employ such mail-messenger service as may be necessary for the carriage of the mails in connection with railroad and steamboat service, transfer service between depots, over bridges or ferries, between post-offices, post-offices and branch offices or stations, in cases where by the laws and regulations of the Post-Office Department, railroad companies, steamboat companies, and the masters of vessels are not required to deliver into and take from the post-offices the mails carried on their lines or vessels. [March 3, 1887.]

Mail messenger service in connection with railroad, steamboat, transfer, bridges, ferries, branch offices, &c.

March 3, 1887.
24 Stat. L., 492.

CHAP. 347.—An act providing an additional circuit judge in the second judicial circuit, and for other purposes.

Second judge for second judicial circuit.

R. S., § 607.
1891, March 3, ch. 517, § 1, *post*, p. 901.

Senior judge to sit in election proceedings, &c.

R. S., §§ 2011–2014.

Be it enacted, &c., That there shall be appointed for the second circuit, by the President of the United States, by and with the advice and consent of the Senate, in addition to the present circuit judge, another circuit judge, who shall have the same qualifications and shall have the same power and jurisdiction therein that the present circuit judge, has under existing laws, and who shall be entitled to the same compensation as the present circuit judge:

Provided, That the applications and proceedings therein provided for by sections two thousand and eleven, two thousand and twelve, two thousand and thirteen, and two thousand and fourteen of the Revised Statutes shall be made and taken before the senior circuit judge of the second circuit; but in his absence or inability to act under said sections, or any of them, such applications and proceedings may be made and had before the junior circuit judge in said circuit. [March 3, 1887.]

March 3, 1887.
24 Stat. L., 492.

CHAP. 348.—An act to amend sections twenty-five hundred and thirty-three, and twenty-five hundred and thirty-four of the Revised Statutes, and making Hartford, in the State of Connecticut, a port of entry, in place of Middletown.

Hartford, Connecticut, collection district.

Substitute for
R. S., § 2533, par. 3. 1890, Sept. 25, —ports of entry.

Be it enacted, &c., That paragraph three of section twenty-five hundred and thirty-three of the Revised Statutes of the United States of America is hereby amended so that said paragraph shall read as follows:

“Third. The district of Hartford; to comprise the waters and shores of the towns of Saybrook, Clinton, Westbrook, Old Saybrook, Essex, Chester, Haddam, East Haddam, Middletown, Cromwell, Catham, Portland, Wethersfield, Rocky Hill, Glastonbury, Hartford, East Hartford, Windsor, Windsor Locks, East Windsor, South Windsor, Suffield, and Enfield, as bounded on the first day of January, eighteen hundred and eighty-six; in which Hartford shall be the port of entry,

ports of delivery.

And Saybrook, Clinton, Westbrook, Old Saybrook, Essex, Chester, Haddam, East Haddam, Middletown, Chatham, Portland, Cromwell, Rocky Hill, Wethersfield, Glastonbury, and East Hartford ports of delivery.”

Collector to reside at Hartford.

Substitute for
R. S., § 2534, par. 3.

SEC 2. That paragraph three of section twenty-five hundred and thirty-four of the Revised States of the United States of America is hereby amended so that said paragraph shall read as follows:

“Third. In the district of Hartford a collector, who shall reside at Hartford.” [March 3, 1887.]

March 3, 1887.
24 Stat. L., 500.

CHAP. 353.—An act to repeal certain sections of the Revised Statutes of the United States relating to the appointment of civil officers.

Tenure of office, repeal of provisions relating to.

Repeal of
R. S., §§ 1767–1772.

Be it enacted, &c., That sections seventeen hundred and sixty-seven, seventeen hundred and sixty-eight, seventeen hundred and sixty-nine, seventeen hundred and seventy, seventeen hundred and seventy-one, and seventeen hundred and seventy-two of the Revised Statutes of the United States are hereby repealed.

SEC. 2. [Expired.] [March 3, 1887.]

CHAP. 355.—An act authorising the Treasurer of the United States to credit the District of Columbia with certain moneys in lieu of investing the same in bonds.

March 3, 1887.

24 Stat. L., 501.

Be it enacted, &c., That the Treasurer of the United States, as Commissioner of the Sinking-Fund of the District of Columbia, shall not be compelled hereafter to invest money retained from District contracts hereafter entered into; but may, in his discretion retain said funds without interest, or invest the same in any class of United States, or District of Columbia bonds, at the request and at the risk, of the contractor, whenever the sum retained on any contract shall reach the sum of one hundred dollars or more.

District of Columbia, retained money on contracts need not be invested.—disposition.

1878, June 11, ch. 180, § 5, *ante*, p. 177. 1885, Feb. 25, 3, *ante*, p. 476. ch. 145, par. 3, *ante*, p. 476. Less than \$100 to be retained without interest.

Any sum less than one hundred dollars shall be retained without interest as above. [*March 3, 1887.*]

CHAP. 359.—An act to provide for the bringing of suits against the Government of the United States (1).

March 3, 1887.

24 Stat. L., 505.

Be it enacted, &c., That the Court of Claims shall have jurisdiction to hear and determine the following matters :

Court of Claims, general jurisdiction of. R. S., § 1059.

First. All claims founded upon the Constitution of the United States or any law of Congress, except for pensions, or upon any regulation of an Executive Department, or upon any contract, expressed or implied, with the Government of the United States, or for damages, liquidated or unliquidated, in cases not sounding in tort, in respect of which claims the party would be entitled to redress against the United States either in a court of law, equity, or admiralty if the United States were suable :

War claims, &c., excepted.

Provided, however, That nothing in this section shall be construed as giving to either of the courts herein mentioned, jurisdiction to hear and determine claims growing out of the late civil war, and commonly known as "war claims," or to hear and determine other claims, which have heretofore been rejected, or reported on adversely by any court, Department, or commission authorized to hear and determine the same.

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 claimant against the Government in said court :

Set-offs, counter-claims, &c. R. S., § 1061.

Provided, That no suit against the Government of the United States, shall be allowed under this act unless the same shall have been brought within six years after the right accrued for which the claim is made.

Limitation of six years. R. S., § 1069.

SEC. 2. That the district courts of the United States shall have concurrent jurisdiction with the Court of Claims as to all matters named in the preceding section where the amount of the claim does not exceed one thousand dollars, and the circuit courts of the United

Concurrent jurisdiction of district and circuit courts in certain cases.

131 U. S., 1.

NOTE.—(1) In addition to this act, the following relate to the jurisdiction of the Court of Claims: Revised Statutes, §§ 1059-1066. 1883, March 3, ch. 116, *ante*, p. 408, providing for reference of claims or matters by a House or committee of Congress for a report on the facts, and by heads of departments for findings of fact and conclusions of law. 1885, January 20, ch. 25, *ante*, p. 471, providing for the determination of the validity and amount of French spoliation claims. 1891, March 3, ch. 538, *post*, p. 913, providing for the adjudication of Indian deprecation claims and their payment either from the funds due the depredating Indians or from the Treasury of the United States.

By 1890, June 16, ch. 243 (21 Stat. L., 284), the Court of Claims was also given jurisdiction over all pending claims against the District of Columbia arising out of contracts for improvements, &c., but all the business under that act having been practically wound up, it is omitted from this volume as expired.

In addition to these there are numerous other acts referring particular cases or groups of cases to the Court of Claims, but those being private or special, are not within the scope of this work.

See also 1874, June 23, ch. 468, *ante*, p. 47, fixing a quorum of the Court of Claims; 1875, March 3, ch. 133, par. 2, *ante*, p. 82, permitting certain land grant railroads to sue in the Court of Claims; 1877, March 3, ch. par. 1, *ante*, p. 136, relative to cost of printing records; 1878, April 30, ch. *ante*, p. 159, prohibiting the allowance of claims prosecuted by fraudulent means; 1890, September 30, ch. 1123, par. 4, *post*, p. 811, fixing the rate of interest on appealed judgments, &c.; 1891, March 3, ch. 540, § 4, *post*, p. 925, prescribing how awards in French spoliation claims are to be paid.

States shall have such concurrent jurisdiction in all cases where the amount of such claim exceeds one thousand dollars and does not exceed ten thousand dollars. All causes brought and tried under the provisions of this act shall be tried by the court without a jury.

Officers and others under obligation to U. S. as principal or surety may have amount due ascertained on petition to Court of Claims. 1888, Aug. 8, ch. 787, *post*, p. 605.

SEC. 3. That whenever any person shall present his petition to the Court of Claims alleging that he is or has been indebted to the United States as an officer or agent thereof, or by virtue of any contract therewith, or that he is the guarantor, or surety, or personal representative of any officer, or agent, or contractor so indebted, or that he, or the person for whom he is such surety, guarantor, or personal representative has held any office or agency under the United States, or entered into any contract therewith, under which it may be or has been claimed that an indebtedness to the United States has arisen and exists, and that he or the person he represents has applied to the proper Department of the Government requesting that the account of such office, agency, or indebtedness may be adjusted and settled, and that three years have elapsed from the date of such application and said account still remains unsettled and unadjusted, and that no suit upon the same has been brought by the United States, said court shall, due notice first being given to the head of said Department and to the Attorney-General of the United States, proceed to hear the parties and to ascertain the amount, if any, due the United States on said account.

Attorney-General to appear for U. S.

The Attorney-General shall represent the United States at the hearing of said cause. The court may postpone the same from time to time whenever justice shall require.

Judgment and effect of payment.

The judgment of said court or of the Supreme Court of the United States, to which an appeal shall lie, as in other cases, as to the amount due, shall be binding and conclusive upon the parties. The payment of such amount so found due by the court shall discharge such obligation.

—U. S. may sue on judgment within three years and not after.

An action shall accrue to the United States against such principal, or surety, or representative to recover the amount so found due, which may be brought at any time within three years after the final judgment of said court

Unless suit shall be brought within said time, such claim and the claim on the original indebtedness shall be forever barred.

Laws now in force and course of procedure of the respective courts to apply under this act.

SEC. 4. That the jurisdiction of the respective courts of the United States proceeding under this act, including the right of exception and appeal, shall be governed by the law now in force, in so far as the same is applicable and not inconsistent with the provisions of this act; and the course of procedure shall be in accordance with the established rules of said respective courts, and of such additions and modifications thereof as said courts may adopt.

Petition in cases before district and circuit courts. R. S., § 1072.

SEC. 5. That the plaintiff in any suit brought under the provisions of the second section of this act shall file a petition, duly verified with the clerk of the respective court having jurisdiction of the case, and in the district where the plaintiff resides. Such petition shall set forth the full name and residence of the plaintiff, the nature of his claim, and a succinct statement of the facts upon which the claim is based, the money or any other thing claimed, or the damages sought to be recovered and praying the court for a judgment or decree upon the facts and law.

—service of.

SEC. 6. That the plaintiff shall cause a copy of his petition filed under the preceding section to be served upon the district attorney of the United States in the district wherein suit is brought, and shall mail a copy of the same, by registered letter, to the Attorney-General of the United States, and shall thereupon cause to be filed with the clerk of the court wherein suit is instituted an affidavit of such service and the mailing of such letter.

—defense by district attorney. &c.

It shall be the duty of the district attorney upon whom service of petition is made as aforesaid to appear and defend the interests of

the Government in the suit, and within sixty days after the service of petition upon him, unless the time should be extended by order of the court made in the case to file a plea, answer, or demurrer on the part of the Government, and to file a notice of any counter-claim, set-off, claim for damages, or other demand or defense whatsoever of the Government in the premises :

Provided, That should the district attorney neglect or refuse to file the plea, answer, demurrer, or defense, as required, the plaintiff may proceed with the case under such rules as the court may adopt in the premises ; but the plaintiff shall not have judgment or decree for his claim, or any part thereof, unless he shall establish the same by proof satisfactory to the court.

SEC. 7. That it shall be the duty of the court to cause a written opinion to be filed in the cause, setting forth the specific findings by the court of the facts therein and the conclusions of the court upon all questions of law involved in the case, and to render judgment thereon. If the suit be in equity or admiralty, the court shall proceed with the same according to the rules of such courts.

SEC. 8. That in the trial of any suit brought under any of the provisions of this act, no person shall be excluded as a witness because he is a party to or interested in said suit ; and any plaintiff or party in interest may be examined as a witness on the part of the Government.

Section ten hundred and seventy-nine of the Revised Statutes is hereby repealed.

The provisions of section ten hundred and eighty of the Revised Statutes shall apply to cases under this act.

SEC. 9. That the plaintiff or the United States, in any suit brought under the provisions of this act shall have the same rights of appeal or writ of error as are now reserved in the statutes of the United States in that behalf made, and upon the conditions and limitations therein contained.

The modes of procedure in claiming and perfecting an appeal or writ of error shall conform in all respects, and as near as may be, to the statutes and rules of court governing appeals and writs of error in like causes.

SEC. 10. That when the findings of fact and the law applicable thereto have been filed in any case as provided in section six of this act, and the judgment or decree is adverse to the Government, it shall be the duty of the district attorney to transmit to the Attorney-General of the United States certified copies of all the papers filed in the cause, with a transcript of the testimony taken, the written findings of the court, and his written opinion as to the same ;

Whereupon the Attorney-General shall determine and direct whether an appeal or writ of error shall be taken or not ; and when so directed the district attorney shall cause an appeal or writ of error to be perfected in accordance with the terms of the statutes and rules of practice governing the same :

Provided, That no appeal or writ of error shall be allowed after six months from the judgment or decree in such suit.

From the date of such final judgment or decree interest shall be computed thereon, at the rate of four per centum per annum, until the time when an appropriation is made for the payment of the judgment or decree.

SEC. 11. That the Attorney-General shall report to Congress, and at the beginning of each session of Congress, the suits under this act in which a final judgment or decree has been rendered giving the date of each, and a statement of the costs taxed in each case.

SEC. 12. That when any claim or matter may be pending in any of the Executive Departments which involves controverted questions of fact or law, the head of such Department, with the consent of the claimant, may transmit the same, with the vouchers, papers, proofs,

Proceedings on failure of district attorney to answer.

Opinion, findings, and conclusions of court.

Parties and persons interested may be witnesses.

Repeal of R. S., § 1079. Examination of claimants, &c. R. S., § 1080.

Appeals and writs of error to be as now provided in like cases.

R. S., § 707. 131 U. S., 37.

In district and circuit courts adverse judgments to U. S. to be certified to Attorney-General.

Appeals and writs of error in such cases ; how taken.

—limitation. R. S., § 708.

Interest.

R. S., § 1090.

Attorney-General to report to Congress.

Claims, &c., in departments may be transmitted to Court of Claims, when.

R. S., §§ 1063, 1064.
1883, March 3, ch. 116, § 2, *ante*, p. 403.

In cases transmitted by Congress, committees or departments, Court of Claims may enter judgment if it has jurisdiction under existing laws.

1883, March 3, ch. 116, *ante*, p. 403.

25 C. Cls. 323.

Either House of Congress may refer certain claims, &c., to Court of Claims for findings of facts.

R. S., § 1060.

1883, March 3, ch. 116, § 1, *ante*, p. 403.

Costs may be allowed.
43 Fed. Rep., 567.

Repeal.

March 3, 1887.

24 Stat. L., 509.

Contracts for heating apparatus for public buildings to be made upon advertisements.

Secretary of Treasury to report annually number of persons employed on public buildings.

and documents pertaining thereto, to said Court of Claims, and the same shall be there proceeded in under such rules as the court may adopt. When the facts and conclusions of law shall have been found, the court shall report its findings to the Department by which it was transmitted.

SEC. 13. That in every case which shall come before the Court of Claims, or is now pending therein, under the provisions of an act entitled "An act to afford assistance and relief to Congress and the Executive Departments in the investigation of claims and demands against the Government," approved March third, eighteen hundred and eighty-three, if it shall appear to the satisfaction of the court, upon the facts established, that it has jurisdiction to render judgment or decree thereon under existing laws or under the provisions of this act, it shall proceed to do so, giving to either party such further opportunity for hearing as in its judgment justice shall require, and report its proceedings therein to either House of Congress or to the Department by which the same was referred to said court.

SEC. 14. That whenever any bill, except for a pension, shall be pending in either House of Congress providing for the payment of a claim against the United States, legal or equitable, or for a grant, gift, or bounty to any person, the House in which such bill is pending may refer the same to the Court of Claims, who shall proceed with the same in accordance with the provisions of the act approved March third, eighteen hundred and eighty-three, entitled an "Act to afford assistance and relief to Congress and the Executive Departments in the investigation of claims and demands against the Government," and report to such House the facts in the case and the amount, where the same can be liquidated, including any facts bearing upon the question whether there has been delay or laches in presenting such claim or applying for such grant, gift, or bounty, and any facts bearing upon the question whether the bar of any statute of limitation should be removed or which shall be claimed to excuse the claimant for not having resorted to any established legal remedy.

SEC. 15. If the Government of the United States shall put in issue the right of the plaintiff to recover the court may, in its discretion, allow costs to the prevailing party from the time of joining such issue. Such costs, however, shall include only what is actually incurred for witnesses, and for summoning the same, and fees paid to the clerk of the court.

SEC. 16. That all laws and parts of laws inconsistent with this act are hereby repealed. [*March 3, 1887.*]

CHAP. 362.—An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and eighty-eight, and for other purposes.

Be it enacted, &c. * * [Par. 1.] (1) That contracts shall be made by the Secretary of the Treasury for furnishing and putting in heating apparatus for public buildings, upon advertisements in some leading newspaper in the State where each building is situated, containing specifications of the kind of heating apparatus required, and such contracts shall be made with the lowest responsible bidder therefor.

That the Secretary of the Treasury shall for the fiscal year eighteen hundred and eighty-seven, and for each fiscal year thereafter in the annual estimates, report to Congress the number of persons employed outside of the District of Columbia, as superintendents, clerks, watchmen and otherwise, and paid from appropriations for the construction of public buildings showing where said persons are

NOTE.—(1) For acts relating to public buildings, see note to 1875, March 3, ch. 130, par. 14, *ante*, p. 74.

employed, in what capacity, the length of time and at what rate of compensation, and hereafter where public buildings shall be completed with the exception of heating apparatus and approaches but one person shall be employed by the Government for the supervision and care of such building. * *

[Par. 2.] And the Secretary of the Treasury is hereafter authorized and required to issue silver-certificates in denominations of one, two, and five dollars; and the silver certificates herein authorized shall be receivable, redeemable, and payable in like manner and for like purposes as is provided for silver-certificates by the act of February twenty-eighth, eighteen hundred and seventy-eight, entitled "An act to authorize the coinage of the standard silver dollar, and to restore its legal-tender character;" and denominations of one, two, and five dollars may be issued in lieu of silver-certificates of larger denominations in the Treasury, or in exchange therefor upon presentation by the holders; and to that extent said certificates of larger denominations shall be cancelled and destroyed. (2) * *

[Par. 3.] That the Commissioner of Fish and Fisheries shall submit to Congress at its next session a detailed statement of the expenditures for the fiscal year eighteen hundred and eighty-seven under all appropriations for "propagation of food-fishes;" and annually thereafter a detailed statement of expenditures under all appropriations for "propagation of food-fishes" shall be submitted to Congress at the beginning of each session thereof. * *

[Par. 4.] And hereafter all fees collected by registers or receivers, from any source whatever, which would increase their salaries beyond three thousand dollars each a year, shall be covered into the Treasury, except only so much as may be necessary to pay the actual cost of clerical services employed exclusively in contested cases; and they shall make report quarterly, under oath, of all expenditures for such clerical services, with vouchers therefor. * *

[Par. 5.] That all the public lands in the Territory of Wyoming lying in the counties of Johnson and Crook, in said Territory, shall constitute a new land district, to be called the Buffalo district.

That the President be, and is hereby, authorized to appoint, by and with the advice and consent of the Senate, or during the recess thereof and until the next session after such appointment, a register and a receiver for said district, who shall be required to reside in the town of Buffalo, Wyoming Territory, until such time as the President may, in his discretion, remove the site of said land-office from said town; and they shall be subject to the same laws and be entitled to the same compensation as is or may hereafter be provided by law in relation to the existing land-offices and officers in said Territory. * *

[Par. 6.] Hereafter the estimates for the Geological Survey shall be itemized.

[Par. 7.] (3) And hereafter the detailed statement of the expenses of the Board of Managers of the National Home for Disabled Volunteer Soldiers shall be reported direct to Congress in the annual report of the Board of Managers.

But all of the expenditures of the said Home, including the expenses of the Board of Managers, shall be made subject to the general laws governing the disbursement of public moneys, so far as the same can be made applicable thereto, and shall be audited by the proper accounting officers of the Treasury, under such rules and regulations as may be prescribed by the Secretary of the Treasury:

Issue of silver-certificates for one, two, and five dollars.

R. S., §§ 3571, 3588.

1878, Feb. 28, ch. 20, § 3, *ante*, p. 152.

1890, July 14, ch. 708, §§ 1-5, *ante*, p. 774.

Fish Commissioner to submit detailed statement of expenditures for "propagation of food-fishes."

R. S., §§ 4395-4398.

1888, Jan. 20, ch. 1, *post*, p. 577.

Registers and receivers at land offices not allowed over \$3,000.

R. S., §§ 2240, 2241.

Buffalo land district, Wyoming, created.

1876, Aug. 9, ch. 256, *ante*, p. 116.

1890, April 23, ch. 153, *post*, p. 715.

Register and receiver to be appointed.

Geological Survey, estimates.

1879, March 3, ch. 192, par. 10, *ante*, p. 251.

National Home for Disabled Soldiers: expenditures to be reported to Congress.

R. S., §§ 4825-4837.

—to be audited at Treasury.

R. S., §§ 236, 277.

NOTES.—(2) For acts relating to silver coinage, see note to 1890, July 14, ch. 708, *post*, p. 774.

(3) For acts relating to National Soldiers' Homes, see note to 1875, March 3, ch. 129, par. 6, *ante*, p. 71

Persons connect-
ed with brewery,
dram-shop, &c.,
not to be em-
ployed.

Provided further, That no person shall be eligible to or hold any position or employment in the government or management of any home who is interested in or connected with, directly or indirectly, any brewery, dram-shop, or distillery in the State where such home is located. * *

Marshals and
clerks not to have
fees on warrants
for arrest of per-
sons under recog-
nizance, except,
&c.

R. S., §§ 828, 829.

[Par. 8.] Hereafter no part of the appropriations made for the payment of fees for United States marshals or clerks shall be used to pay the fees of United States marshals or clerks upon any writ or bench warrant for the arrest of any person or persons who may be indicted by any United States grand jury, or against whom an information may be filed, where such person or persons is or are under a recognizance taken by or before any United States commissioner, or other officer authorized by law to take such recognizance, requiring the appearance of such person or persons before the court in which such indictment is found or information is filed, and when such recognizance has not been forfeited or said defendant is not in default, unless the court in which such indictment of information is pending orders a warrant to issue;

Per diem fee to
attorney, clerk, or
marshal only
when court is open
by the judge for
business or busi-
ness is transacted.

R. S., §§ 538, 564,
671, 672, 824-829,
3013.

24 C. Cla., 304.

Commission to
report on histori-
cal value of manu-
scripts, &c.

R. S., §§ 84, 202,
5583.

Nor shall any part of any money appropriated be used in payment of a per diem compensation to any attorney, clerk, or marshal for attendance in court except for days when the court is open by the Judge for business or business is actually transacted in court, and when they attend under sections five hundred and eighty-three, five hundred and eighty-four, six hundred and seventy-one, six hundred and seventy two, and two thousand and thirteen of the Revised Statutes, which fact shall be certified in the approval of their accounts. * *

[Par. 9.] That the Secretary of State, the Librarian of Congress, and the Secretary of the Smithsonian Institute, and their successors in office, are hereby constituted a commission whose duty it shall be to report to Congress the character and value of the historical and other manuscripts belonging to the Government of the United States, and what method and policy should be pursued in regard to editing and publishing the same, or any of them. * * [March 3, 1887.]

March 3, 1887.

CHAP. 376.—An act to provide for the adjustment of land grants made by Congress to aid in the construction of railroads and for the forfeiture of unearned lands, and for other purposes.

24 Stat. L., 556.

Secretary of In-
terior to settle land
grants to railroads.
1890, Sept. 29. ch.
1040, post, p. 806.

Be it enacted, &c., That the Secretary of the Interior be, and is hereby authorized and directed to immediately adjust, in accordance with the decisions of the Supreme Court, each of the railroad land grants made by Congress to aid in the construction of railroads and heretofore unadjusted.

Patents errone-
ously issued to be
canceled.

SEC. 2. That if it shall appear, upon the completion of such adjustments respectfully, or sooner, that lands have been, from any cause, heretofore erroneously certified or patented, by the United States, to or for the use or benefit of any company claiming by, through, or under grant from the United States, to aid in the construction of a railroad, it shall be the duty of the Secretary of the Interior to thereupon demand from such company a relinquishment or reconveyance to the United States of all such lands, whether within granted or indemnity limits;

And if such company shall neglect or fail to so reconvey such lands to the United States within ninety days after the aforesaid demand shall have been made, it shall thereupon be the duty of the Attorney-General to commence and prosecute in the proper courts the necessary proceedings to cancel all patents, certification, or other evidence of title heretofore issued for such lands, and to restore the title thereof to the United States.

SEC. 3. That if, in the adjustment of said grants, it shall appear that the homestead or pre-emption entry of any bona fide settler has been erroneously canceled on account of any railroad grant or the withdrawal of public lands from market, such settler upon application shall be reinstated in all his rights and allowed to perfect his entry by complying with the public land laws:

Provided, That he has not located another claim or made an entry in lieu of the one so erroneously canceled:

And provided also, That he did not voluntarily abandon said original entry:

And provided further, That if any of said settlers do not renew their application to be reinstated within a reasonable time, to be fixed by the Secretary of the Interior, then all such unclaimed lands shall be disposed of under the public land laws, with priority of right given to bona fide purchasers of said unclaimed lands, if any, and if there be no such purchasers, then to bona fide settlers residing thereon.

SEC. 4. That as to all lands, except those mentioned in the foregoing section, which have been so erroneously certified or patented as aforesaid, and which have been sold by the grantee company to citizens of the United States, or to persons who have declared their intention to become such citizens, the person or persons so purchasing in good faith, his heirs or assigns, shall be entitled to the land so purchased, upon making proof of the fact of such purchase at the proper land-office, within such time and under such rules as may be prescribed by the Secretary of the Interior, after the grants respectively shall have been adjusted; and patents of the United States shall issue therefor, and shall relate back to the date of the original certification or patenting,

And the Secretary of the Interior, on behalf of the United States, shall demand payment from the company which has so disposed of such lands of an amount equal to the Government price of similar lands;

And in case of neglect or refusal of such company to make payment as hereafter specified, within ninety days after the demand shall have been made, the Attorney-General shall cause suit or suits to be brought against such company for the said amount:

Provided, That nothing in this act shall prevent any purchaser of lands erroneously withdrawn, certified, or patented as aforesaid from recovering the purchase-money therefor from the grantee company, less the amount paid to the United States by such company as by this act required:

And provided, That a mortgage or pledge of said lands by the company shall not be considered as a sale for the purpose of this act, nor shall this act be construed as a declaration of forfeiture of any portion of any land-grant for conditions broken, or as authorizing an entry for the same, or as a waiver of any rights that the United States may have on account of any breach of said conditions.

SEC. 5. That where any said company shall have sold to citizens of the United States, or to persons who have declared their intention to become such citizens, as a part of its grant, lands not conveyed to or for the use of such company, said lands being the numbered sections prescribed in the grant, and being coterminous with the constructed parts of said road, and where the lands so sold are for any reason excepted from the operation of the grant to said company, it shall be lawful for the bona fide purchaser thereof from said company to make payment to the United States for said lands at the ordinary Government price for like lands, and thereupon patents shall issue therefor to the said bona fide purchaser, his heirs or assigns:

Provided, That all lands shall be excepted from the provisions of this section which at the date of such sales were in the bona fide occupation of adverse claimants under the pre-emption or homestead laws of the United States, and whose claims and occupation have not since

Entries of bona fide settlers, erroneously canceled, may be perfected. 1890, Sept. 29, ch. 1040, § 2, *post*, p. 808.

19 Opins. 68.

Application to be made in reasonable time or lands to be sold.

Lands purchased from companies to be patented to purchasers.

Companies to pay purchase-money to Secretary of Interior.

Recovery by purchaser from company.

Mortgage not considered a sale. 99 U. S., 48.

Sales of lands on line of road not conveyed to companies.

Adverse claimants.

1879, March 3, ch. 191; July 1,

ch. 60; *ante*, pp. 257, 271.

Not applicable to lands settled since Dec. 1, 1882.

Purchaser of land sold for taxes to have prior right to purchase.

1886, July 10. ch. 764, *ante*, p. 501.

—if no prior right of settler.

Limitation of quantity of lands to be conveyed.

been voluntarily abandoned, as to which excepted lands the said pre-emption and homestead claimants shall be permitted to perfect their proofs and entries and receive patents therefor :

Provided further, That this section shall not apply to lands settled upon subsequent to the first day of December, eighteen hundred and eighty-two, by persons claiming to enter the same under the settlement laws of the United States, as to which lands the parties claiming the same as aforesaid shall be entitled to prove up and enter as in other like cases.

SEC. 6. That where any such lands have been sold and conveyed, as the property of any railroad company, for the State and county taxes thereon, and the grant to such company has been thereafter forfeited, the purchaser thereof shall have the prior right, which shall continue for one year from the approval of this act, and no longer, to purchase such lands from the United States at the Government price, and patents for such lands shall thereupon issue.

Provided, That said lands were not, previous to or at the time of the taking effect of such grant, in the possession of or subject to the right of any actual settler.

SEC. 7. That no more lands shall be certified or conveyed to any State or to any corporation or individual, for the benefit of either of the companies herein mentioned, where it shall appear to the Secretary of the Interior that such transfers may create an excess over the quantity of lands to which such State corporation or individual would be rightfully entitled. [March 3, 1887.]

March 3, 1887.

24 Stat. L., 559.

CHAP. 378.—An act to amend sections five thousand one hundred and ninety-one and five thousand one hundred and ninety-two of the Revised Statutes of the United States, and for other purposes.

Cities having 50,000 population, how may be added to reserve cities for national bank purposes.

R. S., §§ 5191, 5192, 5195.

1874, June 20, ch. 343, *ante*, p. 27.

—having 200,000 population may be made central reserve cities.

R. S., § 5194.

Be it enacted, &c., That whenever three-fourths in number of the national banks located in any city of the United States having a population of fifty thousand people shall make application to the Comptroller of the Currency, in writing, asking that the name of the city in which such banks are located shall be added to the cities named in sections, fifty-one hundred and ninety-one and fifty-one hundred and ninety-two of the Revised Statutes, the Comptroller shall have authority to grant such request, and every bank located in such city shall at all times thereafter have on hand, in lawful money of the United States, an amount equal to at least twenty-five per centum of its deposits, as provided in sections fifty-one hundred and ninety-one and fifty-one hundred and ninety-five of the Revised Statutes.

SEC. 2. That whenever three-fourths in number of the national banks located in any city of the United States having a population of two hundred thousand people shall make application to the Comptroller of the Currency, in writing, asking that such city may be a central reserve city, like the city of New York, in which one-half of the lawful-money reserve of the national banks located in other reserve cities may be deposited, as provided in section fifty-one hundred and ninety-five of the Revised Statutes, the Comptroller shall have authority, with the approval of the Secretary of the Treasury, to grant such request, and every bank located in such city shall at all times thereafter have on hand, in lawful money of the United States, twenty-five per centum of its deposits, as provided in section fifty-one hundred and ninety-one of the Revised Statutes.

SEC. 3. That section three of the act of January fourteenth, eighteen hundred and seventy-five, entitled "An act to provide for the resumption of specie payments, be, and the same is, hereby amended by adding after the words "New York" the words "and the city of San Francisco, California," [March 3, 1887.]

Legal-tender notes redeemable at San Francisco.

1875, Jan. 14, ch. 15, § 3, *ante*, p. 58.

CHAP. 388.—An act making appropriations for the service of the Post-Office Department for the fiscal year ending June thirtieth, eighteen hundred and eighty-eight.

March 3, 1887.

24 Stat. L., 569.

Be it enacted, &c., * * That no boxes for the collection of mail-matter by carriers shall be placed inside of any building except a public building, or a building which is freely open to the public during business hours, or a railroad station. * * [March 3, 1887.]

Mail-collection boxes not to be placed in private buildings.
R. S., § 3868.

CHAP. 390.—An act to regulate the construction and operation of elevators within the District of Columbia, and for other purposes.

March 3, 1887.

24 Stat. L., 580.

Be it enacted, &c., That the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to make and publish such orders as may be necessary to regulate the construction, repair, and operation of all elevators within the District of Columbia, and prescribe such means of security as may be found necessary to protect life and limb.

Commissioners D. C., may make rules as to elevators.

SEC. 2. That any person or persons, or corporation, who shall neglect or refuse to comply with the orders made pursuant to this act, shall, upon conviction thereof in the police court of the District of Columbia, on information filed in the name of the District of Columbia, be fined not less than ten dollars nor more than one hundred dollars for each offense. [March 3, 1887.]

R. S. of D.C., § 79, 1878, June 14, ch. 45, ante, p. 520.

Penalty for violation.

CHAP. 392.—An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and eighty-eight, and for other purposes.

March 3, 1887.

24 Stat. L., 594.

Be it enacted, &c., * * [Par. 1.] And hereafter all purchases of coal and wood for the Senate and House of Representatives of the United States shall be made by advertising once a week for at least four weeks, in three of the principal papers published in the District of Columbia, for sealed proposals for supplying the same; and the contract shall be given to the lowest bidder, provided he shall give satisfactory security to perform the same, under a forfeiture not exceeding double the contract-price in case of failure.

Purchases of fuel for Congress to be made by advertising.
R. S., §§ 3709-3713.

When immediate delivery is required by the public exigency, such supplies may be procured by purchase in open market, at the places and in the manner in which such supplies are usually bought and sold.

—may be in open market when required immediately.

Purchases of stationery and materials for folding shall be made in accordance with sections, sixty-five, sixty-six, sixty-seven, sixty-eight, and sixty-nine, of the Revised Statutes of the United States:

Purchase of stationery, &c.
R. S., §§ 65-69.

Provided further, That all contracts and bonds for purchases made under the authority of this act shall be filed with the Committee to Audit and Control the Contingent Expenses of the Senate or the Committee on Accounts of the House of Representatives respectively. * *

Contracts and bonds to be filed.
1888, Oct. 2, ch. 1069, par. 8, post, p. 627.

[Par. 2.] The employees of the Bureau of Engraving and Printing, including piece-workers, shall be allowed leave of absence, with pay, not exceeding fifteen days in any one year, at such time as the Chief of the Bureau may designate. * * [March 3, 1887.]

Bureau of Engraving and Printing; leave of absence to employees.
note, ante, p. 410.

1883, March 3, ch. 128, § 4, and

March 3, 1887.

CHAP. 396.—An act for the retirement and recoinage of the trade dollar. (1)

24 Stat. L., 634.

Trade-Dollars prohibited. R. S., §§ 3518, 3520.

Be it enacted, &c. [Secs. 1, 2, temporary and executed.]
SEC. 3. That all laws and parts of laws authorizing the coinage and issuance of United States trade-dollars are hereby repealed. [Became a law March 3, 1887, without the President's approval.]
NOTE.—(1) For acts on silver coinage, see note to 1880, July 14, ch. 708, post, p. 774.

March 3, 1887.

CHAP. 397.—An act to amend an act entitled "An act to amend section fifty-three hundred and fifty-two of the Revised Statutes of the United States, in reference to bigamy, and for other purposes," approved March twenty-second, eighteen hundred and eighty-two.

24 Stat. L., 685.

In prosecutions for bigamy, &c.; husband or wife may testify. R. S., § 5352. 1882, March 3, ch. 47, ante, p. 331.

Be it enacted, &c., That in any proceeding or examination before a grand jury, a judge, justice, or a United States commissioner, or a court, in any prosecution for bigamy, polygamy, or unlawful cohabitation, under any statute of the United States, the lawful husband or wife of the person accused shall be a competent witness, and may be called, but shall not be compelled to testify in such proceeding, examination, or prosecution without the consent of the husband or wife, as the case may be;

—but not to confidential communications.

And such witness shall not be permitted to testify as to any statement or communication made by either husband or wife to each other, during the existence of the marriage relation, deemed confidential at common law.

Attachment when it is believed witness will fail to appear.

SEC. 2. That in any prosecution for bigamy, polygamy, or unlawful cohabitation, under any statute of the United States, whether before a United States commissioner, justice, judge, a grand jury, or any court, an attachment for any witness may be issued by the court, judge, or commissioner, without a previous subpoena, compelling the immediate attendance of such witness, when it shall appear by oath or affirmation, to the commissioner, justice, judge, or court, as the case may be, that there is reasonable ground to believe that such witness will unlawfully fail to obey a subpoena issued and served in the usual course in such cases; and in such case the usual witness-fee shall be paid to such witness so attached:

Witness may recognize for appearance.

Provided, That the person so attached may at any time secure his or her discharge from custody by executing a recognizance with sufficient surety, conditioned for the appearance of such person at the proper time, as a witness in the cause or proceeding wherein the attachment may be issued.

Punishment for adultery.

SEC. 3. That whoever commits adultery shall be punished by imprisonment in the penitentiary not exceeding three years; and when the act is committed between a married woman and a man who is unmarried, both parties to such act shall be deemed guilty of adultery; and when such act is committed between a married man and a woman who is unmarried, the man shall be deemed guilty of adultery.

—for incest.

SEC. 4. That if any person related to another person within and not including the fourth degree of consanguinity computed according to the rules of the civil law, shall marry or cohabit with, or have sexual intercourse with such other so related person, knowing her or him to be within said degree of relationship, the person so offending shall be deemed guilty of incest, and, on conviction thereof, shall be punished by imprisonment in the penitentiary not less than three years and not more than fifteen years.

—for fornication. 6 Mackey, (D. C.) 319.

SEC. 5. That if an unmarried man or woman commit fornication, each of them shall be punished by imprisonment not exceeding six months, or by fine not exceeding one hundred dollars.

Prosecutions for adultery may be commenced as for other crimes, &c.

SEC. 6. That all laws of the legislative assembly of the Territory of Utah which provide that prosecutions for adultery can only be commenced on the complaint of the husband or wife are hereby dis-

approved and annulled; and all prosecutions for adultery may hereafter be instituted in the same way that prosecutions for other crimes are.

SEC. 7. That commissioners appointed by the supreme court and district courts in the Territory of Utah shall possess and may exercise all the powers and jurisdiction that are or may be possessed or exercised by justices of the peace in said Territory under the laws thereof, and the same powers conferred by law on commissioners appointed by circuit courts of the United States.

Commissioners in Utah to have power of U. S. commissioners, &c.

1874, June 23, ch. 469, § 6, *ante*, p. 51.

Marshal of Utah; powers of.

SEC. 8. That the marshal of said Territory of Utah, and his deputies, shall possess and may exercise all the powers in executing the laws of the United States or of said Territory, possessed and exercised by sheriffs, constables, and their deputies as peace officers; and each of them shall cause all offenders against the law, in his view, to enter into recognizance to keep the peace and to appear at the next term of the court having jurisdiction of the case, and to commit to jail in case of failure to give such recognizance. They shall quell and suppress assaults and batteries, riots, routs, affrays, and insurrections.

SEC. 9. That every ceremony of marriage, or in the nature of a marriage ceremony, of any kind, in any of the Territories of the United States, whether either or both or more of the parties to such ceremony be lawfully competent to be the subjects of such marriage or ceremony or not, shall be certified by a certificate stating the fact and nature of such ceremony, the full name of each of the parties concerned, and the full name of every officer, priest, and person, by whatever style or designation called or known, in any way taking part in the performance of such ceremony, which certificate shall be drawn up and signed by the parties to such ceremony and by every officer, priest, and person taking part in the performance of such ceremony, and shall be by the officer, priest, or other person solemnizing such marriage or ceremony filed in the office of the probate court, or, if there be none, in the office of court having probate powers in the county or district in which such ceremony shall take place, for record, and shall be immediately recorded, and be at all times subject to inspection as other public records.

Marriage ceremonies in Territories, and certificates.

1890, May 2, ch. 182, § 88, *post*, p. 736.

Such certificate, or the record thereof, or a duly certified copy of such record, shall be prima facie evidence of the facts required by this act to be stated therein, in any proceeding, civil or criminal, in which the matter shall be drawn in question.

Certificate to be prima facie evidence.

Any person who shall willfully violate any of the provisions of this section shall be deemed guilty of a misdemeanor, and shall, on conviction thereof, be punished by a fine of not more than one thousand dollars, or by imprisonment not longer than two years, or by both said punishments, in the discretion of the court.

Punishment for violation of provisions of this section.

SEC. 10. That nothing in this act shall be held to prevent the proof of marriages, whether lawful or unlawful, by any evidence now legally admissible for that purpose.

Other evidence admissible.

SEC. 11. That the laws enacted by the legislative assembly of the Territory of Utah which provide for or recognize the capacity of illegitimate children to inherit or to be entitled to any distributive share in the estate of the father of any such illegitimate child are hereby disapproved and annulled; and no illegitimate child shall hereafter be entitled to inherit from his or her father or to receive any distributive share in the estate of his or her father:

Laws of Utah allowing illegitimate children to inherit annulled.

Provided, That this section shall not apply to any illegitimate child born within twelve months after the passage of this act, nor to any child made legitimate by the seventh section of the act entitled "An act to amend section fifty-three hundred and fifty-two of the Revised Statutes of the United States, in reference to bigamy, and for other purposes", approved March twenty-second, eighteen hundred and eighty-two.

—this provision not to be retroactive. &c.

1882, March 22, ch. 47, § 7, *ante*, p. 332.

157 U. S., 682.

Jurisdiction of probate courts of Utah.

SEC. 12. That the laws enacted by the legislative assembly of the Territory of Utah conferring jurisdiction upon probate courts, or the judges thereof, or any of them, in said Territory, other than in respect of the estates of deceased persons, and in respect of the guardianship of the persons and property of infants, and in respect of the persons and property of persons not of sound mind, are hereby disapproved and annulled; and no probate court or judge of probate shall exercise any jurisdiction other than in respect of the matters aforesaid, except as a member of a county court; and every such jurisdiction so by force of this act withdrawn from the said probate courts or judges shall be had and exercised by the district courts of said Territory respectively.

Atty-Gen. to institute proceedings to forfeit certain property of corporations in Utah.

R. S., § 1890.
136 U. S. 1.
140 U. S. 665.

SEC. 13. That it shall be the duty of the Attorney-General of the United States to institute and prosecute proceedings to forfeit and escheat to the United States the property of corporations obtained or held in violation of section three of the act of Congress approved the first day of July, eighteen hundred and sixty-two (1), entitled "An act to punish and prevent the practice of polygamy in the Territories of the United States and other places, and disapproving and annulling certain acts of the legislative assembly of the Territory of Utah", or in violation of section eighteen hundred and ninety of the Revised Statutes of the United States;

Proceeds, how disposed of.

And all such property so forfeited and escheated to the United States shall be disposed of by the Secretary of the Interior, and the proceeds thereof applied to the use and benefit of the common schools in the Territory in which such property may be:

Houses of worship, &c., not forfeited.

Provided, That no building, or the grounds appurtenant thereto, which is held and occupied exclusively for purposes of the worship of God, or parsonage connected therewith, or burial ground shall be forfeited.

In such proceedings books, &c., to be produced.

SEC. 14. That in any proceeding for the enforcement of the provisions of law against corporations or associations acquiring or holding property in any Territory of the United States in excess of the amount limited by law, the court before which such proceeding may be instituted shall have power in a summary way to compel the production of all books, records, papers, and documents of or belonging to any trustee or person holding or controlling or managing property in which such corporation may have any right, title, or interest whatever.

Laws creating Perpetual Emigrating Fund Company of Utah annulled and corporation dissolved.

SEC. 15. That all laws of the legislative assembly of the Territory of Utah, or of the so-called government of the State of Deseret, creating, organizing, amending, or continuing the corporation or association called the Perpetual Emigrating Fund Company are hereby disapproved and annulled; and the said corporation, in so far as it may now have, or pretend to have, any legal existence, is hereby dissolved;

Laws and corporations in Utah for immigration prohibited.

And it shall not be lawful for the legislative assembly of the Territory of Utah to create, organize, or in any manner recognize any such corporation or association, or to pass any law for the purpose of or operating to accomplish the bringing of persons into the said Territory for any purpose whatsoever.

Affairs of emigrating company to be settled.

SEC. 16. That it shall be the duty of the Attorney-General of the United States to cause such proceedings to be taken in the supreme court of the Territory of Utah as shall be proper to carry into effect the provisions of the preceding section, and pay the debts and to dispose of the property and assets of said corporation according to law.

Proceeds, how disposed of.

Said property and assets, in excess of the debts and the amount of any lawful claims established by the court against the same, shall escheat to the United States, and shall be taken, invested, and dis-

NOTE.—(1) The provisions of the act of 1862, ch. 126, § 3 (12 Stat. L., 501), here referred to, are incorporated into Revised Statutes in § 1890.

posed of by the Secretary of the Interior, under the direction of the President of the United States, for the benefit of common schools in said Territory.

SEC. 17. That the acts of the legislative assembly of the Territory of Utah incorporating, continuing, or providing for the corporation known as the Church of Jesus Christ of Latter-Day Saints, and the ordinance of the so-called general assembly of the State of Deseret incorporating the Church of Jesus Christ of Latter-Day Saints, so far as the same may now have legal force and validity, are hereby disapproved and annulled, and the said corporation, in so far as it may now have, or pretend to have, any legal existence, is hereby dissolved.

Incorporation of
Mormon Church
dissolved.

That it shall be the duty of the Attorney-General of the United States to cause such proceedings to be taken in the supreme court of the Territory of Utah as shall be proper to execute the foregoing provisions of this section and to wind up the affairs of said corporation conformably to law; and in such proceedings the court shall have power, and it shall be its duty, to make such decree or decrees as shall be proper to effectuate the transfer of the title to real property now held and used by said corporation for places of worship, and parsonages connected therewith, and burial grounds, and of the description mentioned in the proviso to section thirteen of this act and in section twenty-six of this act, to the respective trustees mentioned in section twenty-six of this act; and for the purposes of this section said court shall have all the powers of a court of equity.

Proceedings for
winding up, &c.

SEC. 18. (a) A widow shall be endowed of third part of all the lands whereof her husband was seized of an estate of inheritance at any time during the marriage unless she shall have lawfully released her right thereto.

Dower rights.

(b) The widow of an alien who at the time of his death shall be entitled by law to hold any real estate, if she be an inhabitant of the Territory at the time of such death, shall be entitled to dower of such estate in the same manner as if such alien had been a native citizen.

—of widow of
alien.

(c) If a husband seized of an estate of inheritance in lands exchanges them for other lands, his widow shall not have dower of both, but shall make her election to be endowed of the lands given or of those taken in exchange; and if such election be not evinced by the commencement of proceedings to recover her dower of the lands given in exchange within one year after the death of her husband, she shall be deemed to have elected to take her dower of the lands received in exchange.

—when lands are
exchanged by
husband for other
lands.

(d) When a person seized of an estate of inheritance in lands shall have executed a mortgage, or other conveyance in the nature of mortgage, of such estate, before marriage, his widow shall nevertheless be entitled to dower out of the lands mortgaged or so conveyed, as against every person except the mortgagee or grantee in such conveyance and those claiming under him.

—in mortgaged
lands.

(e) Where a husband shall purchase lands during coverture, and shall at the same time execute a mortgage, or other conveyance in the nature of mortgage, of his estate in such lands to secure the payment of the purchase-money, his widow shall not be entitled to dower out of such lands, as against the mortgagee or grantee in such conveyance or those claiming under him, although she shall not have united in such mortgage; but she shall be entitled to her dower in such lands as against all other persons.

—in lands pur-
chased and mort-
gaged at same
time.

(f) Where in such case the mortgagee, or such grantee or those claiming under him, shall, after the death of the husband of such widow, cause the land mortgaged or so conveyed to be sold, either under a power of sale contained in the mortgage or such conveyance or by virtue of the decree of a court if any surplus shall remain after payment of the moneys due on such mortgage or such conveyance,

—in case of sales
under mortgage.

and the costs and charges of the sale, such widow shall nevertheless be entitled to the interest or income of the one-third part of such surplus for her life, as her dower.

Dower of widow of mortgagee.

(g) A widow shall not be endowed of lands conveyed to her husband by way of mortgage unless he acquire an absolute estate therein during the marriage period.

—barred by divorce.

(h) In case of divorce dissolving the marriage contract for the misconduct of the wife, she shall not be endowed.

Appointment of probate judges in Utah.

SEC. 19. That hereafter the judge of probate in each county within the Territory of Utah provided for by the existing laws thereof shall be appointed by the President of the United States, by and with the advice and consent of the Senate;

And so much of the laws of said Territory as provide for the election of such judge by the legislative assembly are hereby disapproved and annulled.

Females prohibited from voting in Utah.

SEC. 20. That it shall not be lawful for any female to vote at any election hereafter held in the Territory of Utah for any public purpose whatever, and no such vote shall be received or counted or given effect in any manner whatever;

And any and every act of the legislative assembly of the Territory of Utah providing for or allowing the registration or voting by females is hereby annulled.

Voting laws of legislature of Utah annulled.

SEC. 21. That all laws of the legislative assembly of the Territory of Utah which provide for numbering or identifying the votes of the electors at any election in said Territory are hereby disapproved and annulled; but the foregoing provision shall not preclude the lawful registration of voters, or any other provisions for securing fair elections which do not involve the disclosure of the candidates for whom any particular elector shall have voted.

Present election districts abolished. Redistricting. 1882, March 22, ch. 47, § 9, ante, p. 333.

SEC. 22. That the existing election districts and apportionments of representation concerning the members of the legislative assembly of the Territory of Utah are hereby abolished; and it shall be the duty of the governor, Territorial secretary, and the Board of Commissioners mentioned in section nine of the act of Congress approved March twenty-second, eighteen hundred and eighty two entitled "An act to amend section fifty-three hundred and fifty-two of the Revised Statutes of the United States in reference to bigamy, and for other purposes", in said Territory, forthwith to redistrict said Territory, and apportion representation in the same in such manner as to provide, as nearly as may be, for an equal representation of the people (excepting Indians not taxed), being citizens of the United States, according to numbers, in said legislative assembly, and to the number of members of the council and house of representatives, respectively, as now established by law; and a record of the establishment of such new districts and the apportionment of representation thereto shall be made in the office of the secretary of said Territory, and such establishment and representation shall continue until Congress shall otherwise provide;

Citizens of U. S. only to vote.

And no persons other than citizens of the United States otherwise qualified shall be entitled to vote at any election in said Territory.

Registration and election officers.

SEC. 23. That the provisions of section nine of said act approved March twenty-second, eighteen hundred and eighty-two, in regard to registration and election officers, and the registration of voters, and the conduct of elections, and the powers and duties of the Board therein mentioned, shall continue and remain operative until the provisions and laws therein referred to to be made and enacted by the legislative assembly of said Territory of Utah shall have been made and enacted by said assembly and shall have been approved by Congress.

Oath to be taken before voting.

SEC. 24. That every male person twenty-one years of age resident in the Territory of Utah shall, as a condition precedent to his right to register or vote at any election in said Territory, take and sub-

scribe an oath or affirmation, before the registration officer of his voting precinct, that he is over twenty-one years of age, and has resided in the Territory of Utah for six months then last passed and in the precinct for one month immediately preceding the date thereof, and that he is a native-born (or naturalized, as the case may be) citizen of the United States, and further state in such oath or affirmation his full name, with his age, place of business, his status, whether single or married, and, if married, the name of his lawful wife, and that he will support the Constitution of the United States and will faithfully obey the laws thereof, and especially will obey the act of Congress approved March twenty-second, eighteen hundred and eighty-two, entitled "An act to amend section fifty-three hundred and fifty-two of the Revised Statutes of the United States, in reference to bigamy, and for other purposes," and will also obey this act in respect of the crimes in said act defined and forbidden, and that he will not, directly or indirectly, aid or abet, counsel or advise, any other person to commit any of said crimes.

Such registration officer is authorized to administer said oath or affirmation; and all such oaths or affirmations shall be by him delivered to the clerk of the probate court of the proper county, and shall be deemed public records therein. But if any election shall occur in said Territory before the next revision of the registration lists as required by law, the said oath or affirmation shall be administered by the presiding judge of the election precinct on or before the day of election.

As a condition precedent to the right to hold office in or under said Territory, the officer, before entering on the duties of his office, shall take and subscribe an oath or affirmation declaring his full name, with his age, place of business, his status, whether married or single, and, if married, the name of his lawful wife, and that he will support the Constitution of the United States and will faithfully obey the laws thereof, and especially will obey the act of Congress approved March twenty-second, eighteen hundred and eighty-two, entitled "An act to amend section fifty-three hundred and fifty-two of the Revised Statutes of the United States, in reference to bigamy, and for other purposes," and will also obey this act in respect of the crimes in said act defined and forbidden, and that he will not, directly or indirectly, aid or abet, counsel or advise, any other person to commit any of said crimes; which oath or affirmation shall be recorded in the proper office and indorsed on the commission or certificate of appointment.

All grand and petit jurors in said Territory shall take the same oath or affirmation, to be administered, in writing or orally, in the proper court.

No person shall be entitled to vote in any election in said Territory, or be capable of jury service, or hold any office of trust or emolument aforesaid. No person who shall have been convicted of any crime under this act, or under the act of Congress aforesaid approved March twenty-second, eighteen hundred and eighty-two, or who shall be a polygamist, or who shall associate or cohabit polygamously with persons of the other sex, shall be entitled to vote in any election in said Territory, or be capable of jury service, or to hold any office of trust or emolument in said Territory.

SEC. 25. That the office of Territorial superintendent of district schools created by the laws of Utah is hereby abolished; and it shall be the duty of the supreme court of said Territory to appoint a commissioner of schools, who shall possess and exercise all the powers and duties heretofore imposed by the laws of said Territory upon the Territorial superintendent of district schools, and who shall receive the same salary and compensation, which shall be paid out of the treasury of said Territory;

Registration officer may administer oaths to voters.

Official oath.
R. S. § 5352 and substitute, 1882, March 23, ch. 47, ante, p. 331.

18 Opins., 595.

Jurors.

Disqualification to vote.

Schools in Utah. Superintendent.

Territorial school laws suspended.

And the laws of the Territory of Utah providing for the method of election and appointment of such Territorial superintendent of district schools are hereby suspended until the further action of Congress shall be had in respect thereto. The said superintendent shall have power to prohibit the use in any district school of any book of a sectarian character or otherwise unsuitable.

Statistics.

Said superintendent shall collect and classify statistics and other information respecting the district and other schools in said Territory, showing their progress, the whole number of children of school age, the number who attend school in each year in the respective counties, the average length of time of their attendance, the number of teachers and the compensation paid to the same, the number of teachers who are Mormons, the number who are so-called gentiles, the number of children of Mormon parents and the number of children of so-called gentile parents, and their respective average attendance at school; all of which statistics and information shall be annually reported to Congress, through the governor of said Territory and the Department of the Interior.

Trustees for real property of religious corporations.

SEC. 26. That all religious societies, sects, and congregations shall have the right to have and to hold, through trustees appointed by any court exercising probate powers in a Territory, only on the nomination of the authorities of such society, sect, or congregation, so much real property for the erection or use of houses of worship, and for such parsonages and burial grounds as shall be necessary for the convenience and use of the several congregations of such religious society, sect, or congregation.

Militia—Territorial laws organizing, annulled.

SEC. 27. That all laws passed by the so-called State of Deseret and by the legislative assembly of the Territory of Utah for the organization of the militia thereof or for the creation of the Nauvoo Legion are hereby annulled, and declared of no effect;

—to be subject to laws of U. S.

R. S. §§ 1625-1661.

—officers, how appointed.

And the militia of Utah shall be organized and subjected in all respects to the laws of the United States regulating the militia in the Territories:

Provided, however, That all general officers of the militia shall be appointed by the governor of the Territory, by and with the advice and consent of the council thereof.

—legislature may organize, subject, &c.

The legislative assembly of Utah shall have power to pass laws for organizing the militia thereof, subject to the approval of Congress. [*Became a law March 3, 1887, without the President's approval.*]

RESOLUTIONS.

Feb. 23, 1887.

24 Stat. L., 644.

Per diem employés to be paid for Decoration Day and 4th of July.

1879, Jan. 31, ch. 38, and note, ante, p. 210.

NUMBER 6.—Joint resolution providing for the payment of per diem laborers in Government employ on "Memorial" or "Decoration Day" and the Fourth day of July of each year as on other days.

Resolved, &c., That all per diem employees of the Government, on duty at Washington or elsewhere in the United States, shall be allowed the day of each year, which is celebrated as "Memorial" or "Decoration Day" and the fourth of July of each year, as holiday, and shall receive the same pay as on other days. [*February 23, 1887.*]

NUMBER 13.—Joint resolution providing for the sale of public documents.

March 3, 1887.

Resolved, &c., That the Secretary of the Interior be, and he is hereby, authorized to sell, at cost-price, to any party wishing to purchase the same, any public document of which copies available for this purpose, not required for official use, remain: *Provided*, That only one copy of any document be sold to any one person.

SEC. 2. That the Secretary of the Interior shall have kept a detailed statement of each and every public document sold, with the name of the purchaser and date of the purchase, and that he shall annually publish, among the documents accompanying his annual report, a statement showing the number of each public document sold during the fiscal year, and the price thereof. [*March 3, 1887.*]

24 Stat. L., 647.
Secretary of Interior may sell public documents.
R. S., § 3809.
1880, May 8, Res. No. 31, *ante*, p. 311.
—to report to Congress statement of sales.

NUMBER 16.—Joint resolution to distribute copies of special memoirs and reports of the United States Geological Survey.

Mar. 3, 1887.

Resolved, &c., That there shall be distributed from the number of special memoirs and reports of the United States Geological Survey now authorized by law one copy of every such publication to every public library which shall be designated to the Secretary of the Interior as follows:

Two public libraries to be designated by each of the Senators from the States, respectively, two public libraries by the Representative in Congress from every Congressional district, and two public libraries by the Delegate from every Territory; such public libraries to be additional to those to which the said publications are distributed under existing law. [*March 3, 1887.*]

24 Stat. L., 647.
Geological Survey memoirs; distribution to libraries.
1879, Mar. 3, ch. 182, par. 10, *ante*, p. 251.
1886, Aug. 4, ch. 902, par. 4, *ante*, p. 513.

NUMBER 20.—Joint resolution providing for the distribution of the Official Register of the United States.

Mar. 3, 1887.

Resolved, &c., That inasmuch as the Official Register of the United States is now supplied to depositories of public documents as one of the set of Congressional documents in leather binding, so much of the act of December fifteenth, eighteen hundred and seventy-seven, as provides for supplying depositories with this document is hereby repealed;

And the Secretary of the Interior is authorized to send the Register to such library not a depository as shall be named to him for the purpose by each Senator, Representative, and Delegate in Congress [*March 3, 1887.*]

24 Stat. L., 649.
Biennial Register to be distributed to certain libraries.
1877, Dec. 15, ch. 4, *ante*, p. 150.

FIFTIETH CONGRESS—FIRST SESSION

IN

THE YEAR 1888.

CHAP. 1.—An act to amend the law concerning the Commissioner of Fish and Fisheries.

January 20, 1888.

Be it enacted, &c., That section four thousand three hundred and ninety-five of the Revised Statutes of the United States be, and the same is hereby, amended to read as follows:

That there shall be appointed by the President, by and with the advice and consent of the Senate, a person of scientific and practical acquaintance with the fish and fisheries to be a Commissioner of Fish and Fisheries, and he shall receive a salary at the rate of five thousand dollars a year, and he shall be removable at the pleasure of the President.

Said Commissioner shall not hold any other office or employment under the authority of the United States or any State. [*January 20, 1888.*]

25 Stat. L., 1.

Fish Commissioner—appointment and salary.
Substitute for
R. S., § 4395.
1881, Feb. 14,
Res. No. 12, *ante*,
p. 328. 1882, Aug.
7, ch. 433, par. 15,
ante, p. 382. 1883,
March 3, ch. 143,
par. 7, *ante*, p. 421.
1885, March 3, ch.
360, par. 1, *ante*, p.
486. 1887, March
3, ch. 362, par. 3,
ante, p. 563.

CHAP. 2.—An act relating to permissible marks, printing or writing, upon second, third, and fourth-class matter, and to amend the twenty-second and twenty-third sections of an act entitled "An act making appropriations for the service of the Post-Office Department for the fiscal year ending June thirtieth, eighteen hundred and eighty, and for other purposes.

January 20, 1888.

25 Stat. L., 1.

Be it enacted, &c., That mailable matter of the second-class shall contain no writing, print, or sign thereon or therein in addition to the original print, except as herein provided, to wit: the name and address of the person to whom the matter shall be sent, index figures of subscription book either printed or written, the printed title of the publication and the place of its publication, the printed or written name and address without addition of advertisement of the publisher or sender, or both, and written or printed words or figures, or both, indicating the date on which the subscription to such matter will end, the correction of any typographical error, a mark except by written or printed words, to designate a work or passage to which it is desired to call attention; the words "sample copy" when the matter is sent as such, the words "marked copy" when the matter contains a marked item or article, and publishers or news agents may inclose in their publications, bills, receipts, and orders for subscriptions thereto, but the same shall be in such form as to convey no other information than the name, place of publication, subscription price of the publication to which they refer and the subscription due thereon.

Permissible marks on second-class mail matter.
R. S., § 3886.
1879, March 3,
ch. 190, §§ 22, 23,
ante, p. 248.
1885, Mar 3, ch.
342, par. 4, *ante*,
p. 484.
19 Opins., 596.

Upon matter of the third class or upon the wrapper or envelope inclosing the same or the tag or lable attached thereto the sender may write his own name, occupation, and residence or business address, preceded by the word "from," and may make marks other than by written or printed words to call attention to any word or

—on third class.

passage in the text, and may correct any typographical errors. There may be placed upon the blank leaves or cover of any book or printed matter of the third-class a simple manuscript dedication or inscription not of the nature of a personal correspondence. Upon the wrapper or envelope of third-class matter or the tag or label attached thereto may be printed any matter mailable as third-class, but there must be left on the address side a space sufficient for a legible address and necessary stamps.

—on fourth class.

With a package of fourth-class matter prepaid at the proper rate for that class, the sender may inclose any mailable third-class matter, and may write upon the wrapper or cover thereof, or tag or label accompanying the same, his name, occupation, residence or business address, preceded by the word "from," and any marks, numbers, names, or letters for purpose of description, or may print thereon the same, and any printed matter not in the nature of a personal correspondence, but there must be left on the address side or face of the package a space sufficient for a legible address and necessary stamps.

Postmaster-General to make regulations.

In all cases directions for transmit, delivery, forwarding, or return shall be deemed part of the address; and the Postmaster-General shall prescribe suitable regulations for carrying this section into effect.

Penalties for violations.

R. S., § 8387.

SEC. 2. That matter of the second, third, or fourth class containing any writing or printing in addition to the original matter other than as authorized in the preceding section shall not be admitted to the mails, nor delivered, except upon payment of postage for matter of the first-class, deducting therefrom any amount which may have been prepaid by stamps affixed, unless by direction of the Postmaster-General such postage shall be remitted; and any person who shall knowingly conceal or inclose any matter of a higher class in that of a lower class, and deposit or cause the same to be deposited for conveyance by mail, at a less rate than would be charged for both such higher and lower class matter, shall for every such offense be liable to a penalty of ten dollars. [January 20, 1888.]

February 1, 1888.

25 Stat. L., 9.

CHAP. 4.—An act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June thirtieth, eighteen hundred and eighty-seven, and for prior years, and for other purposes.

Bounty claims, &c., of colored soldiers, sailors, &c., may be paid by checks, &c.
1879, Mar. 3, ch. 182, § 2, par. 1, ante, p. 252.

Be it enacted, &c., * * That so much of section two of the sundry civil appropriation act, approved March third, eighteen hundred and seventy-nine, as provides that amounts due upon certificates issued, or which may be issued, by the accounting officers of the Treasury, in settlement of claims for pay, bounty, prize-money, or other moneys due to colored soldiers, sailors, or marines, or their legal representatives, shall be paid only to the party named in the certificate, and in current funds or by post-office money-order, and not by check or drafts, be, and the same is hereby, repealed; and hereafter the said claims of colored soldiers, sailors, and marines shall be paid in the same manner as similar claims are paid to white soldiers, sailors, and marines. * * [February 1, 1888.]

February 15, 1888.

25 Stat. L., 33.

In Indian Territory, horse stealing, how punished.

CHAP. 10.—An act to punish robbery, burglary, and larceny, in the Indian Territory.

Be it enacted, &c., That any person hereafter convicted in the United States courts having jurisdiction over the Indian Territory or parts thereof, of stealing any horse, mare, gelding, filly, foal, ass or mule, when said theft is committed in the Indian Territory, shall

be punished by a fine of not more than one thousand dollars, or by imprisonment not more than fifteen years, or by both such fine and imprisonment, at the discretion of the court.

SEC. 2. That any person hereafter convicted of any robbery or burglary in the Indian Territory shall be punished by a fine of not exceeding one thousand dollars, or imprisonment not exceeding fifteen years, or both, at the discretion of the court;

Provided, That this act shall not be so construed as to apply to any offense committed by one Indian upon the person or property of another Indian, or so as to repeal any former act in relation to robbing the mails or robbing any person of property belonging to the United States:

And provided further, That this act shall not affect or apply to any prosecution now pending, or the prosecution of any offense already committed.

SEC. 3. That all acts and parts of acts inconsistent with this act are hereby repealed: *Provided, however*, That all such acts and parts of acts shall remain in force for the punishment of all persons who have heretofore been guilty of the crime of larceny in the Indian Territory. [February 15, 1888.]

R. S., § 5856.
1885, Mar. 3, ch. 941, *ante*, p. 482.
1890, May 2, ch. 182, § 33, *post*, p. 735.
—robbery and burglary, how punished.
R. S., §§ 2145, 5370, 5456, 5472.
Act not to apply to offenses of one Indian upon another.

Pending trials.

Repeal.
Trial for prior offenses.

CHAP. 15.—An act to amend section four thousand eight hundred and eighty-three of the Revised Statutes to enable the Assistant Secretary of the Interior to sign patents (1). February 18, 1888.
25 Stat. L., 40.

Be it enacted, &c., That section four thousand eight hundred and eighty-three of the Revised Statutes is hereby amended by inserting after the words "Secretary of the Interior," where they occur therein, the following words: "or under his direction by one of the Assistant Secretaries of the Interior," so that the said section as amended will read as follows:

"SECTION 4883. All patents shall be issued in the name of the United States of America, under the seal of the Patent Office, and shall be signed by the Secretary of the Interior or under his direction by one of the Assistant Secretaries of the Interior, and countersigned by the Commissioner of Patents, and they shall be recorded, together with the specifications, in the Patent Office, in books to be kept for that purpose." [February 18, 1888.]

NOTE (1).—By 1888, April 19, ch. 126, (25 Stat. L., 87), all patents theretofore signed by any Assistant Secretary were given the same effect as if signed by the Secretary on the date of execution.

Patents may be signed by Assistant Secretary of Interior.
Substitute for
R. S., § 4883.
128 U. S., 612.

CHAP. 17.—An act to carry into effect the International Convention of the fourteenth of March, eighteen hundred and eighty-four, for the protection of submarine cables. February 29, 1888.
25 Stat. L., 41.

Be it enacted, &c., That any person who shall willfully and wrongfully break or injure, or to attempt to break or injure, or who shall in any manner procure, counsel, aid, abet, or be accessory to such breaking or injury, or attempt to break or injure, a submarine cable, in such manner as to interrupt or embarrass, in whole or in part, telegraphic communication, shall be guilty of a misdemeanor, and, on conviction thereof, shall be liable to imprisonment for a term not exceeding two years, or to a fine not exceeding five thousand dollars, or to both fine and imprisonment, at the discretion of the court.

SEC. 2. That any person who by culpable negligence shall break or injure a submarine cable in such manner as to interrupt or embarrass, in whole or in part, telegraphic communication, shall be guilty of a misdemeanor, and, on conviction thereof, shall be liable

Willful injury to submarine cable punishable.
Treaty (24 Stat. L., 939.)

Breaking or injuring cables by culpable negligence punishable.

to imprisonment for a term not exceeding three months, or to a fine not exceeding five hundred dollars, or to both fine and imprisonment, at the discretion of the court.

—except to save life, limb, or vessel.

SEC. 3. That the provisions of the foregoing sections shall not apply to a person who breaks or injures a cable in an effort to save the life or limb of himself or of any other person, or to save his own or any other vessel: *Provided*, That he takes reasonable precautions to avoid such breaking or injury.

Masters of vessels laying cable, &c., failing to observe signal rules, buoys, &c., punishable.

1890, Aug. 19, ch. 802, Art. 4, par. b; Art. 15, par. h; *post*, pp. 702, 786.

SEC. 4. That the master of any vessel which, while engaged in laying or repairing submarine cables, shall fail to observe the rules concerning signals that have been or shall hereafter be adopted by the parties to the convention with a view to preventing collisions at sea; or the master of any vessel that, perceiving, or being able to perceive the said signals displayed upon a telegraph ship engaged in repairing a cable, shall not withdraw to or keep at distance of at least one nautical mile; or the master of any vessel that seeing or being able to see buoys intended to mark the position of a cable when being laid or when out of order or broken, shall not keep at a distance of at least a quarter of a nautical mile, shall be guilty of a misdemeanor, and on conviction thereof, shall be liable to imprisonment for a term not exceeding one month, or to a fine of not exceeding five hundred dollars.

Fishing vessels to keep nets and implements away from cables, &c.

SEC. 5. That the master of any fishing vessel who shall not keep his implements or nets at a distance of at least one nautical mile from a vessel engaged in laying or repairing a cable; or the master of any fishing vessel who shall not keep his implements or nets at a distance of at least a quarter of a nautical mile from a buoy or buoys intended to mark the position of a cable when being laid or when out of order or broken, shall be guilty of a misdemeanor, and on conviction thereof, shall be liable to imprisonment for a term not exceeding ten days, or to a fine not exceeding two hundred and fifty dollars, or to both such fine and imprisonment, at the discretion of the court:

—reasonable time allowed after notice.

Provided, however, That fishing vessels, on perceiving or being able to perceive the said signals displayed on a telegraph ship, shall be allowed such time as may be necessary to obey the notice thus given, not exceeding twenty-four hours, during which period no obstacle shall be placed in the way of their operations.

Officers who are authorized to perform duty imposed by treaty.

SEC. 6. That for the purpose of carrying into effect the convention, a person commanding a ship of war of the United States or of any foreign state for the time being bound by the convention, or a ship specially commissioned by the Government of the United States or by the Government of such foreign state, may exercise and perform the duties vested in and imposed on such officer by the convention.

Penalty for refusing to show papers mentioned in treaty, article 10.

SEC. 7. That any person having the custody of the papers necessary for the preparation of the statements provided for in article ten of the convention who shall refuse to exhibit them or shall violently resist persons having authority according to article ten of said convention to draw up statements of facts in the exercise of their functions, shall be guilty of a misdemeanor, and on conviction thereof shall be liable to imprisonment not exceeding two years, or to a fine not exceeding five thousand dollars, or to both fine and imprisonment, at the discretion of the court.

Penalty not a bar to suits for damages.

SEC. 8. That the penalties provided in this act for the breaking or injury of a submarine cable shall not be a bar to a suit for damages on account of such breaking or injury.

Liability of master.

SEC. 9. That when an offense against this act shall have been committed by means of a vessel, or of any boat belonging to a vessel, the master of such vessel shall, unless some other person is shown to have been in charge of and navigating such vessel or boat, be deemed to have been in charge of and navigating the same, and be liable to be punished accordingly.

SEC. 10. That unless the context of this act otherwise requires, the term "vessel" shall be taken to mean every description of vessel used in navigation, in whatever way it is propelled; the term "master" shall be taken to include every person having command or charge of a vessel; and the term "person" to include a body of persons, corporate or incorporate. The term "convention" shall be taken to mean the International Convention for the Protection of Submarine Cables, made at Paris on the fourteenth day of May, eighteen hundred and eighty-four, and proclaimed by the President of the United States on the twenty-second day of May, eighteen hundred and eighty-five.

Definition of terms.
Vessel.
Master.

Person.

Convention, 24 Stat. L., 989.

SEC. 11. That the provisions of the Revised Statutes, from section forty-three hundred to section forty-three hundred and five, inclusive, for the summary trial of offenses against the navigation laws of the United States, shall extend to the trial of offenses against the provisions of sections four and five of this act.

Provisions for summary trials.
R. S., §§ 4300-4305.

SEC. 12. That the provisions of this act shall be held to apply only to cables to which the convention for the time being applies.

Cables to which act applies.

SEC. 13. That the district courts of the United States shall have jurisdiction over all offenses against this act and of all suits of a civil nature arising thereunder, whether the infraction complained of shall have been committed within the territorial waters of the United States or outside of the said waters:

District courts to have jurisdiction of offenses and suits.

Provided, That in case such infraction is committed outside of the territorial waters of the United States the vessel on board of which it has been committed is a vessel of the United States. From the decrees and judgments of the district courts in actions and suits arising under this act appeals and writs of error shall be allowed as now provided by law in other cases.

—including offenses on high seas in vessels of U. S.

Criminal actions and proceedings for a violation of the provisions of this act shall be commenced and prosecuted in the district court for the district within which the offense was committed, and when not committed within any judicial district, then in the district court for the district within which the offender may be found; and suits of a civil nature may be commenced in the district court for any district within which the defendant may be found and shall be served with process. [February 29, 1888.]

Where criminal and civil proceedings are to be commenced.

CHAP. 18.—An act authorizing the appointment of two additional division superintendents of Railway Mail Service.

Feb. 29, 1888.

25 Stat. L., 48.

Be it enacted, &c., That the Postmaster-General be, and is hereby, authorized to appoint and assign to duty two division superintendents of Railway Mail Service, in addition to those heretofore authorized, who shall each be paid a salary of two thousand five hundred dollars a year. [February 29, 1888.]

Two additional division superintendents of Railway Mail Service authorized.

R. S., § 4020.
1878, June 17, ch. 259, par. 1, ante, p. 186.

CHAP. 20.—An act to authorize the removal of the quarantine station from Ship Island, Mississippi.

March 5, 1888.

25 Stat. L., 43.

Be it enacted, &c., That the Secretary of the Treasury is hereby authorized to cause the removal of the national quarantine station now located on Ship Island, in the Gulf of Mexico, to some other island in said Gulf, or in such pass in the Mississippi Delta as may be recommended by a board to be designated by him, and that the necessary quarantine buildings and appliances be established thereon; and that the sum of forty-five thousand dollars, or so much thereof as may be necessary, is hereby appropriated to carry out the purposes of this act. [March 5, 1888.]

Quarantine station at.

1878, April 29, ch. 66, ante, p. 157.
1888, Aug. 1, ch. 727, post, p. 600.

March 9, 1888.

25 Stat. L., 45.

CHAP. 30.—An act to amend an act to restrict the ownership of real estate in the Territories to American citizens, and so forth, approved March third, eighteen hundred and eighty-seven.

Foreign governments and their representatives may own real estate in District of Columbia.

1887, March 3, ch. 340, *ante*, p. 556.

Be it enacted, &c., That an act entitled "An act to restrict the ownership of real estate in the Territories to American citizens, and so forth," approved March third, eighteen hundred and eighty-seven, be so amended that the same shall not apply to or operate in the District of Columbia, so far as relates to the ownership of legations, or the ownership of residences by representatives of foreign Governments, or attaches thereof. [March 9, 1888.]

March 23, 1888.

25 Stat. L., 45.

Fee for passport to be one dollar.

R. S., § 4075.

1874, June 28, ch. 328, par. 4, *ante*, p. 17.

CHAP. 34.—An act to fix the charge for passports at one dollar.

Be it enacted, &c., That from and after the passage of this act a fee of one dollar shall be collected for each citizen's passport issued from the Department of State.

That all acts or parts of acts inconsistent with this are hereby repealed. [March 23, 1888.]

March 30, 1888.

25 Stat. L., 47.

Surgeon-General's office may use old press, &c.

1886, July 31, ch. 327, *ante*, p. 505.

Eight-hour law to be enforced in Government Printing Office.

R. S., § 3738.

1886, June 30, ch. 572, *ante*, p. 499.

CHAP. 47.—An act to provide for certain of the most urgent deficiencies in the appropriations for the service of the Government for the fiscal year ending June thirtieth, eighteen hundred and eighty-eight, and for other purposes.

Be it enacted, &c., * * [Par. 1.] That the printing press and material formerly in use in the office of the Surgeon-General may be used by the record and pension division of that office to expedite as much as possible the work of the division, and for no other purpose. * *

[Par. 2.] And the Public Printer is hereby directed to rigidly enforce the provisions of the eight hour law in the Department under his charge. * * [March 30, 1888.]

April 2, 1888.

25 Stat. L., 76.

Fees for exemplification of patents and papers in General Land Office and for copies.

Substitute for
R. S., § 461.

1888, Oct. 12, ch. 1098, *post*, p. 631.

CHAP. 54.—An act to amend section four hundred and sixty-one of the Revised Statutes, regulating fees for exemplifications of land patents, and for other purposes.

Be it enacted, &c., That section four hundred and sixty-one of the Revised Statutes be, and is hereby, amended so as to read as follows: "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 thirty cents each for photolithographed copies of township plats or diagrams, unverified, not to exceed ten copies to any one person, and twenty-five cents each for all copies in excess of ten, with an additional sum of one dollar for the Commissioner's certificate of verification, with the General Land Office seal;

Receiving clerk to be designated and fees paid into Treasury.

And one of the employees of the office shall be designated by the Commissioner as the receiving clerk, and the amount so received shall, under the direction of the Commissioner, be paid into the Treasury;

Fees not to be demanded of public officers, nor for unverified copies.

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." [April 2, 1888.]

CHAP. 58.—An act to provide for holding terms of the United States courts at Mississippi City.

April 4, 1888.

Be it enacted, &c., That the counties of Hancock, Harrison, Jackson, Marion, Perry, and Green, being a part of the southern judicial district of Mississippi, shall be known as the southern division of said district; and circuit and district courts, for the transaction of business pertaining to the persons and property in said southern division, shall be held at Mississippi City on the third Mondays of February and August in each year.

SEC. 2. That the said courts to be held at Mississippi City, as provided in section one of this act, shall be possessed of and shall exercise all the powers and jurisdiction now possessed or exercised, or which may hereafter be granted to or exercised, by the circuit and district courts in said district now held at Jackson; and all laws regulating and defining how suits against persons or property located or found in judicial districts shall be brought shall be applicable to and govern the bringing of suits in said division; and all laws touching the removal of causes from State courts to United States courts shall apply to said courts hereby established; but all crimes and offenses heretofore committed within said southern district shall be prosecuted, tried, and determined in the same manner and with the same effect as if this act had not been passed.

SEC. 3. [*Relates to pending cases.*]

SEC. 4. That the marshal and clerks of said southern district of Mississippi shall each appoint a deputy, who shall reside at Mississippi City.

SEC. 5. That the United States shall not be at any expense in providing for a building or room for the holding of the terms of said court.

SEC. 6. That whenever the circuit and district courts in the southern district of Mississippi shall be held at the same time and place, only one grand jury and the necessary number of petit jurors shall be summoned for both courts, and they shall be the grand and petit jurors for both said courts. [*April 4, 1888.*]

25 Stat. L., 78.
Mississippi,
southern judicial
district of.
Courts at Missis-
sippi City.
R. S., §§ 572, 658,
1882, June 15,
ch. 218, *ante*, p. 344.
Jurisdiction.

Deputy marshal
and clerk.

Court rooms.

Juries.
1888, Aug. 8, ch
785, *post*, p. 605.

CHAP. 61.—An act to amend the laws relating to navigation, and for other purposes.

April 4, 1888.

Be it enacted, &c., That section eleven of an act to abolish certain fees for official services to American vessels, and to amend the laws relating to shipping commissioners, seamen, and owners of vessels, and for other purposes, approved June nineteenth, eighteen hundred and eighty-six, be amended by striking out of the sixth and seventh lines of the subproviso of said section the words "of the country in which such port is situated, or on the cargoes of such vessels," and substituting in lieu thereof the words "of such country, or on the cargoes of such vessels;

But this proviso shall not be held to be inconsistent with the special regulation by foreign countries of duties and other charges on their own vessels, and the cargoes thereof, engaged in their coasting trade, or with the existence between such countries and other states of reciprocal stipulations founded on special conditions and equivalents, and thus not within the treatment of American vessels under the most-favored nation clause in treaties between the United States and such countries."

SEC. 2. That section one of the act hereinbefore mentioned be amended, in the third line from the end of the section, by inserting, after the words "shipping commissioners," the words "and clerks of steamboat inspectors, and such allowances for fees of United States marshals and witnesses for services under the steamboat-inspection laws, and for expenses of steamboat inspectors provided for by section forty-four hundred and sixty-one of the Revised Statutes."

25 Stat. L., 90.
Suspension of
tonnage tax act
amended.
R. S., § 4219.
1886, June 19,
ch. 421, § 11, *ante*,
p. 495.

Special exemp-
tion of coasting
trade.

Abolition of ship-
ping fees further
provided for.
R. S., § 4451,
4461.
1886, June 19,
ch. 421, § 1, *ante*,
p. 493.

SEC. 3. That section forty-five hundred and eighty-one of the Revised Statutes, as amended by section seven of chapter one hundred and twenty-one of the public laws passed by the Forty-eighth Congress, is amended by striking out all after the word "thereof," in the fifth line, and inserting in lieu thereof as follows:

"If any seaman, after his discharge, shall have incurred any expense for board or other necessaries, or for reasonable charges for medical care and nursing, at the place of his discharge, before shipping again, or for transportation to the United States, such expense shall be paid out of the arrears of wages and extra wages received by the consular officer, which shall be retained for that purpose, and the balance only paid over to such seaman; and if such arrears and extra wages are not sufficient to defray such expense, the deficiency shall be paid from the fund in the Treasury for the maintenance and transportation of destitute American seamen." [April 4, 1888.]

Expense for board of seamen after discharge, how collected.

R. S. § 4581.
1884, June 26, ch. 121, § 7, ante, p. 440.

April 11, 1888.

25 Stat. L., 84.

Mississippi; counties added to western division, southern judicial district.

R. S. § 539.
1883, June 15, ch. 218, and note, ante, p. 344.
1887, Feb. 23, ch. 279, ante, p. 547.

CHAP. 81.—An act to amend an act entitled "An act to provide for holding terms of United States courts at Vicksburg, Mississippi."

Be it enacted, &c., That an act approved February twenty-eighth, eighteen hundred and eighty-seven, entitled "An act to provide for holding terms of United States courts at Vicksburg, Mississippi," be, and the same is hereby, amended by inserting before the word "Washington," in the first section thereof, the words "Bolivar, and Sunflower."

SEC. 2. [Relates to past offenses.] [April 11, 1888.]

April 19, 1888.

25 Stat. L., 87.

Iowa, —terms of court for northern district.

R. S., §§ 572, 658.
1880, June 4, ch. 120, ante, p. 290.
1882, July 20, ch. 312, and note, ante, p. 358.
1891, Feb. 24, ch. 282, post, p. 895.

CHAP. 127.—An act regulating the times for holding the terms of the United States courts in the northern district of Iowa.

Be it enacted, &c., That hereafter the terms of the circuit and district courts of the United States in and for the northern district of Iowa shall be held as follows: At Sioux City on the first Tuesdays in October and May; at Fort Dodge on the second Tuesday of November and first Tuesday in June; at Dubuque on the fourth Tuesday of November and first Tuesday in April.

SEC. 2. [Relates to pending cases.] [April 19, 1888.]

April 24, 1888.

25 Stat. L., 94.

Secretary of War may institute proceedings for condemnation of land for river and harbor improvements.

1888, Aug. 1, ch. 728, post, p. 601.

— or may purchase.

— and may receive donations.

CHAP. 194.—An act to facilitate the prosecution of works projected for the improvement of rivers and harbors.

Be it enacted, &c., That the Secretary of War may cause proceedings to be instituted, in the name of the United States, in any court having jurisdiction of such proceedings, for the acquirement by (1) condemnation of any land, right of way, or material needed to enable him to maintain, operate or prosecute works for the improvement of rivers and harbors for which provision has been made by law; such proceedings to be prosecuted in accordance with the laws relating to suits for the condemnation of property of the States wherein the proceedings may be instituted:

Provided, however, That when the owner of such land, right of way, or material shall fix a price for the same, which in the opinion of the Secretary of War, shall be reasonable, he may purchase the same at such price without further delay:

And provided further, That the Secretary of War is hereby authorized to accept donations of lands or materials required for the maintenance or prosecution of such works. [April 24, 1888.]

NOTE.—(1) See note to act cited in margin relative to condemnation of land under Federal authority.

CHAP. 212.—An act making appropriations for the support of the Military Academy for the fiscal year ending June thirtieth, eighteen hundred and eighty-nine.

May 1, 1888.

25 Stat. L., 108.

Be it enacted, &c., * * That all technical and scientific supplies for the departments of instruction of the Military Academy shall be purchased by contract or otherwise, as the Secretary of War may deem best. (1)

Scientific supplies for Military Academy may be purchased by contract or otherwise. R. S., §§ 3709, 3744.

Also, that all funds arising from the rent of the hotel on Academy grounds, and other incidental sources, from and after this date be, and are hereby, made a special contingent fund, to be expended under the supervision of the Superintendent of the Academy, and that he be required to account for the same annually, accompanied by proper vouchers to the Secretary of War. * * [May 1, 1888.]

Rent of hotel on Academy grounds how to be expended.

R. S., § 3689.

NOTE.—(1) This is repeated in 1889, Feb. 12, ch. 137 (25 Stat. L., 666), and subsequent appropriation acts (26 Stat. L., 103, 821). Whether the provision is permanent or applicable only to the year for which appropriation is made has not been determined.

CHAP. 227.—An act to amend sections twenty-five hundred and ninety-five and twenty-five hundred and ninety-six of the Revised Statutes of the United States, and to provide a collector at the port of Saint Paul, Minnesota, and for other purposes.

May 2, 1888.

25 Stat. L., 134.

Be it enacted, &c., That sections twenty-five hundred and ninety-five and twenty-five hundred and ninety-six of the Revised Statutes of the United States be amended so as to read as follows:

Minnesota customs collection districts.

“SEC. 2595. That there shall be in the State of Minnesota two collection districts, as follows:

Substitute for R. S., § 2595.

“First. The district of Minnesota: to comprise all the territory of the United States east of the western line of the State of Minnesota, and west of the westerly line of the State of Wisconsin, except the waters and shores of Lake Superior and the rivers flowing into the same, in which Saint Paul shall be the port of entry, and Saint Vincent a subport of entry and delivery.

Minnesota district: Saint Paul to be port of entry and Saint Vincent, support of entry and delivery. 1890, March 8, ch. 29, post, p. 707.

“Second. The District of Duluth: to comprise all the waters and shores of Lake Superior and the rivers connected therewith, within the State of Minnesota, in which Duluth shall be the port of entry and delivery, with the privilege of immediate transportation as defined by section seven, of the act of June tenth, eighteen hundred and eighty, entitled ‘An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes,’ being chapter one hundred and ninety, volume twenty-one, of the Statutes at Large.”

Duluth district: Duluth, port of entry and delivery and of immediate transportation. 1880, June 10, ch. 190, § 7, ante, p. 294.

“SEC. 2596. There shall be in the collection districts of the State of Minnesota the following officers:

“First. In the district of Minnesota, a collector who shall reside at Saint Paul and whose compensation shall be the same as that provided for the collectors named in section twenty-six hundred and seventy-five of the Revised Statutes of the United States, and a deputy collector who shall reside at Saint Vincent.

Collector to reside at Saint Paul. Substitute for R. S., § 2596.

“Second. In the district of Duluth, a collector, who shall reside at Duluth.” [May 2, 1888.]

— and at Duluth.

CHAP. 231.—To amend an act entitled ‘An act authorizing the Postmaster-General to adjust certain claims of postmasters for loss by burglary, fire, or other unavoidable casualty,’ approved March seventeenth, eighteen hundred and eighty-two.

May 9, 1888.

25 Stat. L., 135.

Be it enacted, &c., That the act entitled “An act authorizing the Postmaster-General to adjust certain claims of postmasters for loss by burglary, fire, or other unavoidable casualty,” approved March seventeenth, eighteen hundred and eighty-two, be and the same is hereby, amended so as to read, as follows:

Postmaster-General to investigate claims for losses of postmasters by casualty.

Substitute for
1883, March 17,
ch. 41 (22 Stat. L.,
29).

R. S., §§ 1059,
par. 3, 1062, 3846.

—to pay or credit
to postmaster the
amount of loss, if
without neglig-
ence, including
funds in transit.

Claims over
\$2,000 to be re-
ported to Congress
for appropriation.

Act not to ap-
ply to claims be-
fore March 17,
1867.

Limitation of
time for presenta-
tion.

Action to be re-
ported to Con-
gress.

May 16, 1888.

25 Stat. L., 151.

New York Har-
bor; anchorage
grounds to be re-
gulated by Secre-
tary of Treasury.

1888, June 29,
ch. 496, *post*, p. 594.

1890, Sept. 19,
ch. 907, § 12, *post*,
p. 803.

Penalty for vi-
olating rules.

When act takes
effect.

That the Postmaster-General be, and he is hereby, authorized to investigate all claims of postmasters for the loss of money-order funds, postal-funds, postage-stamps, stamped envelopes, newspaper wrappers, and postal cards, belonging to the United States in the hands of such postmasters, resulting from burglary, fire, or other unavoidable casualty,

And if he shall determine that such loss resulted from no fault or negligence on the part of such postmasters, to pay to such postmas- ters, or credit them with the amount so ascertained to have been lost or destroyed, and also to credit postmasters with the amount of any remittance of money-order funds or postal funds made by them in compliance with the instructions of the Postmaster-General, which shall have been lost or stolen while in transit by mail from the office of the remitting postmaster to the office designated as his depository, or after arrival at such depository office and before the postmaster at such depository office has become responsible therefor:

Provided, That no claim exceeding the sum of two thousand dol- lars shall be paid or credited until after the facts shall have been ascertained by the Postmaster-General and reported to Congress, together with his recommendation thereon, and an appropriation made therefor:

And provided further, That this act shall not embrace any claim for losses as aforesaid which accrued more than fifteen years prior to March seventeenth, eighteen hundred and eighty-two;

And all such claims must be presented to the Postmaster-General within six months from such latter date, except claims for postal funds which may be received, considered and allowed, if presented within six months after the passage of this act, in cases where the postmaster had, at or about the time of the loss, made report thereof to the Post-Office Department or to an inspector or special agent of the Department; and no claim for losses which may hereafter accrue shall be allowed unless presented within six months from the time the loss occurred.

SEC. 2. That it is hereby made the duty of the Postmaster-Gen- eral to report his action herein to Congress annually, with his rea- sons therefor in each particular case. [May 9, 1888.]

CHAP. 257.—An act relating to the anchorage of vessels in the port of New York.

Be it enacted, &c., That the Secretary of the Treasury is authorized, empowered, and directed to define and establish an anchorage ground for vessels in the bay and harbor of New York, and in the Hudson and East Rivers, to adopt suitable rules and regulations in relation thereto, and to take all necessary measures for the proper enforce- ment of such rules and regulations.

SEC. 2. That in the event of the violation of any such rules or regulations by the owner, master, or person in charge of any vessel, such owner, master, or person in charge of such vessel shall be liable to a penalty of one hundred dollars, and the said vessel may be holden for the payment of such penalty, and may be seized and proceeded against summarily by libel for the recovery of the same in any United States district court for the district within which such vessel may be, and in the name of the officer designated by the Secretary of the Treasury.

SEC. 3. That this act shall take effect immediately. [May 16, 1888.]

CHAP. 261.—An act to provide for holding the circuit and district courts of the United States at Martinsburgh, in the district of West Virginia.

May 17, 1888.

25 Stat. L., 151.

Be it enacted, &c., That in addition to the terms of the circuit and district courts of the United States, now held in the district of West Virginia, there shall be held, in each year, one term of each of said courts, at Martinsburgh, in said district, on the first Tuesday in August. [May 17, 1888.]

West Virginia, terms of courts at Martinsburgh. R. S., §§ 572, 658, 1873, March 9, ch. 27, ante, p. 153; post, pp. 638, 639.

Dec. 21, ch. 9, and note, ante, pp. 153, 207. 1889, Feb. 6, ch. 113, §§ 1, 5,

CHAP. 297.—An act to establish an additional land-district in the State of Oregon.

May 21, 1888.

25 Stat. L., 152.

Be it enacted, &c., That so much of the districts of lands subject to sale under existing laws at Lakeview, La Grande, and The Dalles land districts, in the State of Oregon, as are contained in the following boundaries, shall constitute a new land district, to be called the Harney land-district, bounded as follows:

Harney land-district, Oregon. R. S., § 2256, 1875, Jan. 11, ch. 13, ante, p. 57.

Commencing at Snake River, in the State of Oregon, on township line between townships twelve and thirteen south of second standard parallel; thence west to northwest corner of township thirteen south, of range twenty-four east, of Willamette meridian; thence due south to the southwest corner of township twenty-nine south, of range twenty-four east, of Willamette meridian; thence due east to the boundary-line of the State of Oregon; thence north on said boundary-line to the place of beginning.

SEC. 2. That the location of the office of said district shall be designated by the President of the United States, and may be changed from time to time by him as the public convenience may seem to require.

Land office.

SEC. 3. That there shall be appointed by the President, by and with the advice and consent of the Senate, a register and a receiver for said land-district, who shall respectively be required to reside at the site of the office, and be subject to the same laws and entitled to the same compensation as is or may be prescribed by law in relation to other land-offices in said State. [May 21, 1888.]

Register and receiver.

CHAP. 308.—An act to limit the hours that letter-carriers in cities shall be employed per day.

May 24, 1888.

25 Stat. L., 157.

Be it enacted, &c., That hereafter eight hours shall constitute a day's work for letter-carriers in cities or postal districts connected therewith, for which they shall receive the same pay as is now paid as for a day's work of a greater number of hours. If any letter-carrier is employed a greater number of hours per day than eight he shall be paid extra for the same in proportion to the salary now fixed by law. [May 24, 1888.]

Letter-carriers, eight hours a day's work for. R. S., §§ 3738, 3865, 3866, 1832, Aug. 2, ch. 373, § 2, ante, p. 363, ch. 14, ante, p. 518.

1884, June 27, ch. 126, ante, p. 446. 1887, Jan. 3,

CHAP. 320.—An act changing the name of the port of Lambertton, in the district of Burlington, New Jersey, to the port of Trenton, in said district.

May 28, 1888.

25 Stat. L., 158.

Whereas, after the constituting of the port of Lambertton, in the collection district of Burlington, in the State of New Jersey, the borough of Lambertton, where such port is situated, was incorporated into and became a part of the city of Trenton, in said State: Therefore,

Preamble.

Be it enacted, &c., That the port now known as the port of Lambertton, in the collection district of Burlington, in the State of New Jersey, shall hereafter be known and denominated as the port of Trenton, in said district.

New Jersey. Burlington collection district; port to be known as Trenton instead of Lambertton. R. S., § 2541, par. 6.

—no change but
in name.

SEC. 2. That nothing in this act contained shall be construed to in any way affect the validity of any act heretofore done by the collector or any official of said port, nor to in any way affect the official standing of any official of said port, or the powers and duties of any such official, the sole intent and purpose of this act being to change the name of said port.

When act takes
effect.

SEC. 3. That this act shall take effect on the first day of July, eighteen hundred and eighty-eight. [May 28, 1888.]

June 4, 1888.

CHAP. 340.—An act to amend section fifty-three hundred and eighty-eight of the Revised Statutes of the United States, in relation to timber depre-dations.

25 Stat. L., 166.

Timber depre-dations on lands reserved for military or other purposes, or on Indian reservations, &c., punished.

Substitute for
R. S., § 5388.

1889, Feb. 16,
ch. 172, post, p.
645.

19 Opins., 188.

Be it enacted, &c., That section fifty-three hundred and eighty-eight of the Revised Statutes of the United States be amended so as to read as follows:

“Every person who unlawfully cuts, or aids or is employed in unlawfully cutting, or wantonly destroys or procures to be wantonly destroyed, any timber standing upon the land of the United States which, in pursuance of law, may be reserved or purchased for military or other purposes, or upon any Indian reservation, or lands belonging to or occupied by any tribe of Indians under authority of the United States, shall pay a fine of not more than five hundred dollars or be imprisoned not more than twelve months, or both, in the discretion of the court.” [June 4, 1888.]

June 4, 1888.

CHAP. 341.—An act to establish a port of delivery at Grand Rapids, Michigan.

25 Stat. L., 166.

Grand Rapids, Mich., made port of delivery and of immediate transportation.

1890, June 10,
ch. 190, § 7, ante,
p. 294.

—surveyor for.

R. S., 2627, 2628.

Be it enacted, &c., That Grand Rapids, in the State of Michigan, be, and the same is hereby, constituted a port of delivery; and that the privileges of immediate transportation of dutiable merchandise conferred by the act of June tenth, eighteen hundred and eighty, entitled “An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes,” be, and the same are hereby, extended to said port.

SEC. 2. That there shall be appointed by the President a surveyor of customs for said port, who shall reside at said port, and who shall receive a salary to be determined in amount by the Secretary of the Treasury, not exceeding one thousand two hundred dollars per annum. [June 4, 1888.]

June 4, 1888.

CHAP. 343.—An act to authorize United States marshals to arrest offenders and fugitives from justice in Indian Territory.

25 Stat. L., 167.

Indian Territory, marshals to execute process in.

R. S., § 2153.

1888, June 9, ch.
382, post, p. 589.

1890, Mar. 2, ch.
182, §§ 1, 41, post,
pp. 720, 738.

Be it enacted, &c., That after the passage of this act any United States marshal is hereby authorized and required, when necessary to execute any process connected with any criminal proceedings issued out of the circuit or district court of the United States for the district of which he is marshal, or by any commissioner of either of said courts, to enter the (1) Indian Territory, and to execute the same therein in the same manner that he is now required by law to execute like processes in his own district. [June 4, 1888.]

NOTE.—(1) See note on jurisdiction over Indian Territory, appended to 1889, March 2, ch. 333, post, p. 670.

CHAP. 369.—An act making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June thirtieth, eighteen hundred and eighty-nine, and for other purposes.

June 7, 1888.

25 Stat. L., 173.

Be it enacted, &c., * * That all pensions which have been, or which may hereafter be, granted under the general laws regulating pensions to widows in consequence of death occurring from a cause which originated in the service since the fourth day of March, eighteen hundred and sixty-one, shall commence from the date of death of the husband. * * [June 7, 1888.]

Widows' pensions to date from death of husband. R. S., §§ 4709, 4710.

1879, Jan. 25, ch. 23; March 3, ch. 187; *ante*, pp. 203, 256.

1886, March 19, ch. 22, *ante*, p. 487.

June 7, 1888.

25 Stat. L., 176.

CHAP. 373.—An act to amend an act entitled "An act to establish agricultural stations in connection with the colleges established in the several States under the provisions of an act approved July second, eighteen hundred and sixty-two, and the acts supplementary thereto."

Be it enacted, &c., That the grant of money authorized by the act of Congress entitled "An act to establish agricultural experiment stations in connection with the colleges established in the several States under the provisions of an act approved July second eighteen hundred and sixty-two, and of acts supplementary thereto," are subject as therein provided to the legislative assent of the States or Territories to be affected thereby; but as to such installments of the appropriations as may be now due or may hereafter become due, when the legislature may not be in session, the governor of said State or Territory may make the assent therein provided, and upon a duly certified copy thereof to the Secretary of the Treasury he shall cause the same to be paid in the manner provided in the act of which this is amendatory, until the termination of the next regular session of the legislature of such State or Territory. [June 7, 1888.]

Grants to States for agricultural experiment stations; when legislature not in session, governor may give assent.

1887, March 2, ch. 314, § 9, *ante*, p. 552.

CHAP. 382.—An act for the protection of the officials of the United States in the Indian Territory (1).

June 9, 1888.

25 Stat. L., 178.

Be it enacted, &c., That any Indian hereafter committing against the person of any Indian agent or policeman appointed under the laws of the United States, or against any Indian United States deputy marshal, posse comitatus, or guard, while lawfully engaged in the execution of any of the United States process, or lawfully engaged in other duty imposed upon such agent, policeman, deputy marshal, posse comitatus, or guard by the laws of the United States, any of the following crimes, namely, murder, manslaughter, or assault with intent to murder, assault, or assault and battery, or who shall in any manner obstruct by threats or violence any person who is engaged in the service of the United States in the discharge of any of his duties as agent, policeman, or other officer aforesaid, within the Indian Territory, or who shall hereafter commit either of the crimes aforesaid, in said Indian Territory, against any person who, at the time of the commission of said crime, or at any time previous thereto, belonged to either of the classes of officials hereinbefore named, shall be subject to the laws of the United States relating to such crimes, and shall be tried by the district court of the United States exercising criminal jurisdiction where such offense was committed, and shall be subject to the same penalties as are all other persons charged with the commission of said crimes, respectively; and the said courts are hereby given jurisdiction in all such cases. [June 9, 1888.]

Punishment of Indians for crimes against United States officers, &c., in Indian Territory.

R. S., § 2142.

1888, June 4, ch. 343, *ante*, p. 588.

1890, March 1, ch. 333, §§ 1, 2, 5, and note (1), *post*, pp. 670, 671.

1890, May 2, ch. 182, § 30, *post*, p. 732.

Jurisdiction of district court.

NOTE.—(1) This act appears to supersede 1887, March 2, ch. 320, par. 2, *ante*, p. 554.

June 13, 1888.

CHAP. 389.—An act to establish a Department of Labor. (1)

25 Stat. L., 182.

Department of
Labor established;
design and duties.

Be it enacted, &c., That there shall be at the seat of Government a Department of Labor, the general design and duties of which shall be to acquire and diffuse among the people of the United States useful information on subjects connected with labor, in the most general and comprehensive sense of that word, and especially upon its relation to capital, the hours of labor, the earnings of laboring men and women, and the means of promoting their material, social, intellectual, and moral prosperity.

Commissioner
and his compensa-
tion.

SEC. 2. That the Department of Labor shall be under the charge of a Commissioner of Labor, who shall be appointed by the President, by and with the advice and consent of the Senate; he shall hold his office for four years, unless sooner removed, and shall receive a salary of five thousand dollars per annum.

Clerical force.
1882, Aug. 5, ch.
399, § 4, ante, p.
374.

SEC. 3. That there shall be in the Department of Labor, to be appointed by the Commissioner of Labor: One chief clerk, at a salary of two thousand five hundred dollars per annum; four clerks of class four, all to be statistical experts; five clerks of class three, one of whom may be a stenographer; six clerks of class two, one of whom may be a translator and one of whom may be a stenographer; eight clerks of class one; five clerks, at one thousand dollars per annum; one disbursing clerk, who shall also have charge of accounts, at a salary of one thousand eight hundred dollars per annum; two copyists, at nine hundred dollars each per annum; two copyists, at seven hundred and twenty dollars each per annum; one messenger; one assistant messenger; one watchman; two assistant watchmen; two skilled laborers, at six hundred dollars each per annum; two charwomen, at two hundred and forty dollars each per annum; six special agents, at one thousand six hundred dollars each per annum; ten special agents, at one thousand four hundred dollars each per annum; four special agents, at one thousand two hundred dollars each per annum, and an allowance to special agents for traveling expenses not to exceed three dollars per day while actually employed in the field and outside of the District of Columbia, exclusive of actual transportation including sleeping-car fares; and such temporary experts, assistants, and other employees as Congress may from time to time provide, with compensation corresponding to that of similar officers and employees in other departments of the Government.

Chief clerk may
act as Commis-
sioner.

SEC. 4. That during the necessary absence of the Commissioner, or when the office shall become vacant, the chief clerk shall perform the duties of Commissioner.

Disbursing
clerk.
1890, Aug. 30, ch.
837, § 4, post, p.
794.

SEC. 5. That the disbursing clerk shall, before entering upon his duties, give bond to the Treasurer of the United States in the sum of twenty thousand dollars, which bond shall be conditioned that the said officer shall render a true and faithful account to the Treasurer, quarter-yearly, of all moneys and properties which shall be by him received by virtue of his office, with sureties to be approved by the Solicitor of the Treasury. Such bond 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.

Custody of
building and prop-
erty.

SEC. 6. That the Commissioner of Labor shall have charge in the building or premises occupied by or appropriated to the Department of Labor, of the library, furniture, fixtures, records, and other property pertaining to it, or hereafter acquired for use in its business, and he shall be allowed to expend for periodicals and the purposes

NOTE (1).—The statutes in force, besides this, which may be classed under the head of "Labor Legislation" are as follows: Eight hours a day's work for laborers, workmen, and mechanics, R. S., § 3736. Contract labor immigration forbidden, 1885, Feb. 26, ch. 164, ante, p. 479; 1867, Feb. 23, ch. 220, ante, p. 541; 1891, March 3, ch. 551, post, p. 934. Incorporation of National Trades Unions, 1886, June 29, ch. 567, ante, p. 498. Hiring out of convict labor forbidden, 1887, Feb. 23, ch. 213, ante, p. 539. Eight hour law to be enforced in Government Printing Office, 1888, March 30, ch. 47, par. 2, ante, p. 582. Letter carriers' eight hour law, 1888, May 24, ch. 308, ante, p. 587. Boards of arbitration, 1888, Oct. 1, ch. 1063, post, p. 622. Importation of products of convict labor forbidden, 1890, Oct. 1, ch. 1244, § 51, post, p. 866. Inspection of mines in Territories, 1891, March 3, ch. 564, post, p. 948.

of the library, and for the rental of appropriate quarters for the accommodation of the Department of Labor within the District of Columbia, and for all other incidental expenses, such sums as Congress may provide from time to time.

SEC. 7. That the Commissioner of Labor, in accordance with the general design and duties referred to in section one of this act, is specially charged to ascertain, at as early a date as possible, and whenever industrial changes shall make it essential, the cost of producing articles at the time dutiable in the United States, in leading countries where such articles are produced, by fully-Specified units of production, and under a classification showing the different elements of cost, or approximate cost, of such articles of production, including the wages paid in such industries per day, week, month, or year, or by the piece; and hours employed per day; and the profits of the manufacturers and producers of such articles; and the comparative cost of living, and the kind of living.

"It shall be the duty of the Commissioner also to ascertain and report as to the effect of the customs laws, and the effect thereon of the state of the currency, in the United States, on the agricultural industry, especially as to its effect on mortgage indebtedness of farmers;" and what articles are controlled by Trusts, or other combinations of capital, business operations, or labor and what effect said trusts, or other combinations of capital, business operations, or labor have on production and prices.

He shall also establish a system of reports by which, at intervals of not less than two years, he can report the general condition, so far as production is concerned, of the leading industries of the country.

The Commissioner of Labor is also specially charged to investigate the causes of, and facts relating to, all controversies and disputes between employers and employees as they may occur, and which may tend to interfere with the welfare of the people of the different States, and report thereon to Congress.

The Commissioner of Labor shall also obtain such information upon the various subjects committed to him as he may deem desirable from different foreign nations,

And what, if any, convict made goods are imported into this country, and if so from whence.

SEC. 8. That the Commissioner of Labor shall annually make a report in writing to the President and Congress, of the information collected and collated by him, and containing such recommendations as he may deem calculated to promote the efficiency of the Department.

He is also authorized to 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.

He shall, on or before the fifteenth day of December in each year, make a report in detail to Congress of all moneys expended under his direction during the preceding fiscal year.

SEC. 9. That all laws and parts of laws relating to the Bureau of Labor created under the act of Congress approved June twenty-seventh, eighteen hundred and eighty-four, so far as the same are applicable and not in conflict with this act, and only so far, are continued in full force and effect, * * [*Remainder of this section and all of section ten provide for organization of Department and have been executed.*] [June 13, 1888.]

Commissioner to ascertain: Cost of producing dutiable articles, including wages, hours of labor, profits, and cost and kind of living.

Commissioner to report on:

—effect of customs laws;

—effect of currency on agriculture and mortgage indebtedness;

—trusts.

1890, July 2, ch. 647, *post*, p. 762.

And effect of trusts or other combinations.

—general condition of industries, —labor controversies.

1888, Oct. 1, ch. 1063, *post*, p. 622.

Foreign information.

Foreign convict-made goods.

1890, Oct. 1, ch. 1244, § 51, *post*, p. 868.

—annual report.

—special reports.

Report of expenditures.

Labor Bureau merged in Department of Labor.

1884, June 27, ch. 127 (23 Stat. L., 60).

June 18, 1888.

25 Stat. L., 185.

CHAP. 391.—An act to amend section nine hundred and ninety-three of the Revised Statutes of the United States for the District of Columbia so as to make Inauguration Day a holiday within said District.

Presidential Inauguration Day a holiday in District of Columbia.

R. S. of D. C., § 993.

1879, Jan. 31, ch. 88, and note, *ante*, p. 210.

1880, April 16, Res. No. 22, *ante*, p. 303. 1881, Dec. 20, ch. 2, *ante*, p. 351. 1885, Jan. 6, Res. No. 5, *ante*, p. 486. 1887, Feb. 23, Res. No. 6, *ante*, p. 574. 1888, Aug. 1, ch. 723, *post*, p. 600.

Be it enacted, &c., That section nine hundred and ninety-three of the Revised Statutes of the United States, relating to the District of Columbia, be, and the same hereby is, amended, by adding to the days therein declared to be holidays within the said District, that day upon which the President of the United States is inaugurated, otherwise called Inauguration Day, and that such day shall be a holiday for all the purposes mentioned in said section.

[June 18, 1888.]

June 18, 1888.

25 Stat. L., 186.

Commercial and agricultural information to be procured.

Consuls, &c., to furnish commercial information.

Substitute for R. S., § 1712. 1879, Jan. 27, ch. 28, par. 1, *ante*, p. 209.

—information for Agricultural Department.

—to be embodied in crop reports.

Consular officers to furnish prices current of exports for U. S.

Prices current of imports, including agricultural productions.

Substitute for R. S., § 1713. —to report as to agricultural implements.

Secretary of Treasury to transmit agricultural information to Dept. of Agriculture.

1889, Feb. 9, ch. 122, *post*, p. 641.

CHAP. 393.—An act to promote agriculture and for other purposes.

Be it enacted, &c., That sections seventeen hundred and twelve and seventeen hundred and thirteen, in chapter two, under title eighteen of the Revised Statutes of the United States, relative to consuls and commercial agents be, and they are hereby, so amended that they shall read as follows :

“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.

“And they shall also procure and transmit to the Department of State, for the use of the Agricultural Department, monthly reports relative to the character, condition, and prospective yields of the agricultural and horticultural industries and other fruiteries of the country in which they are respectively stationed ;

And the Commissioner of Agriculture is hereby required and directed to embody the information thus obtained, or so much thereof as he may deem material and important, in his monthly bulletin of crop reports.”

“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 situated ;

And he shall also furnish to the Secretary of the Treasury, at least once in twelve months, the prices current of all articles of merchandise, including those of the farm, the garden, and the orchard, that are imported through the port or place in which he is stationed.

And he shall also report as to the character of agricultural implements in use, and whether they are imported to or manufactured in that county ; as to the character and extent of agricultural and horticultural pursuits there.

That part of the information thus obtained which pertains to agriculture shall be transmitted by the Secretary of the Treasury, as soon as the same shall have been received by him, to the Commissioner of Agriculture, who shall include the same, or so much thereof as he may deem material and important, in his annual reports, stating the said prices in dollars and cents, and rendering tables of foreign weights and measures into their American equivalents.”

[June 18, 1888.]

CHAP. 394.—An act relating to postal crimes, and amendatory of the statutes therein mentioned.

Be it enacted, &c., That section thirteen of an act approved March third, eighteen hundred and seventy-nine, entitled "An act making appropriations for the service of the Post-Office Department for the fiscal year ending June thirtieth, eighteen hundred and eighty, and for other purposes," be, and the same is hereby, so amended as to read, as follows:

"SEC. 13. That any person who shall submit, or cause to be submitted to any postmaster or to the Post-Office Department or any officer of the postal service any false evidence, relative to the character of any publication, for the purpose of securing the admission thereof at the second-class rate for transportation in the mails, shall be deemed guilty of a misdemeanor, and for every such offense, upon conviction thereof, shall be punished by a fine of not less than one hundred nor more than five hundred dollars."

SEC. 2. That any person who shall, with intent to defraud, falsely forge or counterfeit the signature of any postmaster, assistant postmaster, chief clerk, or clerk upon or to any money-order or postal-note, or blank therefor provided or issued by or under the direction of the Post-Office Department of the United States, or of any foreign country, and payable in the United States, or any material signature or indorsement thereon, or any material signature to any receipt or certificate of identification thereon;

Any person who shall falsely alter, or cause or procure to be falsely altered in any material respect, or knowingly aid or assist in falsely so altering any such money-order or postal-note;

Any person who shall, with intent to defraud, pass, utter, or publish any such forged or altered money-order or postal-note knowing any material signature or indorsement thereon to be false, forged, or counterfeited, or any material alteration therein to have been falsely made; any postmaster, assistant postmaster, or clerk employed in any post-office or branch post-office who shall issue any money-order or postal-note, without having previously received or paid the full amount of money payable therefor, with the purpose of fraudulently obtaining or receiving, or fraudulently enabling any other person, either directly or indirectly, to obtain or receive from the United States, or any officer or agent thereof, the sum of money specified in such money-order or postal-note;

Any person who, with intent to defraud the United States, transmits, or presents to, or causes or procures to be transmitted to or presented to any officer, or at any office of the Government of the United States any money-order or postal-note, knowing the same to contain any forged or counterfeited signature to the same or to any material indorsement, receipt, or certificate thereon, or material alteration therein unlawfully made, or to have been unlawfully issued without previous payment of the amount required to be paid upon such issue, shall, upon conviction, be punishable by fine of not more than five thousand dollars, or by imprisonment at hard labor for not less than one year and not more than five years.

[Substitute for the remainder of this section, 1888, Sept. 26, ch. 1039, § 1, post, p. 621.] [June 18, 1888.]

CHAP. 486.—An act providing for an additional associate justice of the supreme court of the Territory of Utah, and for other purposes.

Be it enacted, &c., That hereafter the supreme court of the Territory of Utah shall consist of a chief justice and three associate justices, any three of whom shall constitute a quorum; but no justice shall act as a member of the supreme court in any action or proceed-

June 18, 1888.

25 Stat. L., 187.

Postal service.

Penalty for submitting false evidence as to second-class mail matter.

Substitute for 1879, March 3, ch. 180, § 13 (20 Stat. L., 359), ante, p. 246. Id., §§ 10, 13, 14, ante, p. 246. 1885, March 3, ch. 342, par. 4, ante, p. 483.

Penalty for counterfeiting money orders or postal notes.

R. S., § 5463. 1887, Jan. 3, ch. 13, § 2, ante, p. 518.

—for altering.

—for fraudulently issuing.

—for uttering postal notes.

June 25, 1888.

25 Stat. L., 203.

Utah supreme court to have chief and three associate justices.

R. S., § 1864.

ing brought to such court by writ of error, bill of exceptions, or appeal from a decision, judgment, or decree rendered by him as a judge of a district court.

Appointment.

Term of office.

Assignment of justices.

SEC. 2. That it shall be the duty of the President, by and with the advice and consent of the Senate, to appoint one additional associate justice of said supreme court, who shall hold his office for the term of four years, and until his successor is appointed and qualified.

SEC. 3. That temporarily, and until otherwise ordered by law, the additional associate justice to be appointed under this act shall from time to time, as the business of the courts may require, be assigned by the governor of said Territory of Utah, to either of the judicial districts thereof as an associate of the judge already assigned to such district, and each of said judges may hold separate hearings and trials, or sit and act together for the expedition of the business of such district, as they may deem expedient, and the times and places as now fixed by the statutes of said Territory for holding court therein shall remain until changed by law. [June 25, 1888.]

June 29, 1888.

25 Stat. L., 209.

CHAP. 486.—An act to prevent obstructive and injurious deposits within the harbor and adjacent waters of New York City, by dumping or otherwise, and to punish and prevent such offenses.

New York Harbor.

Injurious deposits forbidden.

1888, May 16, ch.

257, ante, p. 586.

1890, Sept. 19, ch.

907, § 6, post, p. 801.

45 Fed. Rep., 880.

How punished.

Punishment of master engineer or of vessel towing scow, &c., loaded with prohibited matter.

Permit to transport matter to dumping ground.

Be it enacted, &c., That the placing, discharging, or depositing, by any process or in any manner, of refuse, dirt, ashes, cinders, mud, sand, dredgings, sludge, acid, or any other matter of any kind, other than that flowing from streets, sewers, and passing therefrom in a liquid state, in the tidal waters of the harbor of New York, or its adjacent or tributary waters, or in those of Long Island Sound, within the limits which shall be prescribed by the supervisor of the harbor, is hereby strictly forbidden,

And every such act is made a misdemeanor, and every person engaged in or who shall aid, abet, authorize, or instigate a violation of this section, shall, upon conviction, be punishable by fine or imprisonment, or both, such fine to be not less than two hundred and fifty dollars nor more than two thousand five hundred dollars, and the imprisonment to be not less than thirty days nor more than one year, either or both united, as the judge before whom conviction is obtained shall decide, one half of said fine to be paid to the person or persons giving information which shall lead to conviction of this misdemeanor.

SEC. 2. That any and every master and engineer, or person or persons acting in such capacity, respectively, on board of any boat or vessel, who shall knowingly engage in towing any scow, boat, or vessel loaded with any such prohibited matter to any point or place of deposit, or discharge in the waters of the harbor of New York, or in its adjacent, or tributary waters, or in those of Long Island Sound, or to any point or place elsewhere than within the limits defined and permitted by the supervisor of the harbor hereinafter mentioned, shall be deemed guilty of a violation of this act, and shall, upon conviction, be punishable as hereinbefore provided for offenses in violation of section one of this act, and shall also have his license revoked or suspended for a term to be fixed by the judge before whom tried and convicted.

SEC. 3. That in all cases of receiving on board of any scows or boats such forbidden matter or substance as herein described, it shall be the duty of the owner or master, or person acting in such capacity, on board of such scows or boats, before proceeding to take or tow the same to the place of deposit, to apply for and obtain from the supervisor of the harbor appointed hereunder a permit defining the

precise limits within which the discharge of such scows or boats may be made;

And any deviation from such dumping or discharging place specified in such permit shall be a misdemeanor within the meaning of this act; and the master and engineer, or person or persons acting in such capacity, on board of any tow-boat towing such scows or boats, shall be equally guilty of such offense with the master or person acting in the capacity of master of the scow, and be liable to equal punishment.

Deviation from permit, a misdemeanor.
19 Opins., 317.

SEC. 4. That all mud, dirt, sand, dredgings, and material of every kind and description whatever taken, dredged, or excavated from any slip, basin, or shoal in the harbor of New York, or the waters adjacent or tributary thereto, and placed on any boat, scow, or vessel for the purpose of being taken or towed upon the waters of the harbor of New York to a place of deposit, shall be deposited and discharged at such place or within such limits as shall be defined and specified by the supervisor of the harbor, as in the third section of this act prescribed, and not otherwise.

Disposal of dredged matter.

Every person, firm, or corporation being the owner of any slip, basin, or shoal, from which such mud, dirt, sand, dredgings, and material shall be taken, dredged, or excavated, and every person, firm, or corporation in any manner engaged in the work of dredging or excavating any such slip, basin, or shoal, or of removing such mud, dirt, sand, or dredgings therefrom, shall severally be responsible for the deposit and discharge of all such mud, dirt, sand, or dredgings at such place or within such limits so defined and prescribed by said supervisor of the harbor; and for every violation of the provisions of this section the person offending shall be guilty of an offense against this act, and shall be punished by a fine equal to the sum of five dollars for every cubic yard of mud, dirt, sand, dredgings, or material not deposited or discharged as required by this section.

Any boat or vessel used or employed in violating any provision of this act, shall be liable to the pecuniary penalties imposed thereby, and may be proceeded against, summarily by way of libel in any district court of the United States, having jurisdiction thereof.

Legal proceedings.

SEC. 5. That a line officer of the Navy shall be designated by the President of the United States as supervisor of the harbor, to act under the direction of the Secretary of War in enforcing the provisions of this act, and in detecting offenders against the same. This officer shall receive the sea-pay of his grade, and shall have personal charge and supervision under the Secretary of War, and shall direct the patrol boats and other means to detect and bring to punishment offenders against the provisions of this act.

Line officer of Navy to be appointed supervisor of harbor.

SEC. 6. [*Appropriates \$30,000 to carry out the act.*] [June 29, 1888.]

CHAP. 503.—An act making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June thirtieth, eighteen hundred and eighty-nine, and for other purposes.

June 29, 1888.

25 Stat. L., 239.

Be it enacted. &c. * * SEC. 10. That at day or industrial schools sustained wholly or in part by appropriations contained in this act, and at which schools church organizations are assisting in the educational work, the christian bible may be taught in the native language of the Indians, if in the judgment of the persons in charge of the schools it may be deemed conducive to the moral welfare and instruction of the pupils in such schools. * * [June 29, 1888.]

Bible may be taught in Indian language.

July 9, 1888.

CHAP. 595.—An act to incorporate the Reform School for Girls of the District of Columbia.

25 Stat. L., 245.
 Reform School
 for Girls, District
 of Columbia, —in-
 corporators.
 1888, Oct. 12, ch.
 1095, *post*, p. 630.

—may hold prop-
 erty.

—to vest in U. S.
 in case of dissolu-
 tion.

Authority.

Officers.

By-laws.

Reform School
 laws made appli-
 cable.

1876, May 3, ch.
 90, *ante*, p. 101.

Organization.

Amendment.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Samuel S. Shellabarger, Augustus S. Worthington, Adoniram J. Huntington, William C. Dodge, Mills Dean, Owen G. Staples, James E. Fitch, Thomas P. Morgan, and Alexander Graham Bell, and their successors, be, and they are hereby, created a body corporate to be known as the Board of Trustees of the Girl's Reform School of the District of Columbia.

SEC. 2. That said corporation is hereby authorized and empowered to establish and maintain a reform school for girls at any place within the District of Columbia, subject to the approval of the Commissioners thereof, and for that purpose may take and receive by gift, grant, or devise, such real estate and personal property as may be necessary for the purposes of said corporation:

Provided, That at the dissolution of said corporation, or if it should cease for the space of six months to maintain a reform school for girls, all the property, real and personal, of said corporation shall vest in the United States.

SEC. 3. That the said board of trustees shall have the same power and authority in relation to girls as the board of trustees of the Reform School of the District of Columbia now possess in relation to boys.

SEC. 4. That said board of trustees shall have authority to appoint such officers, agents, teachers, and other employees as may be necessary, and fix the rate of compensation of the same, subject to the approval of the Commissioners of the District of Columbia.

SEC. 5. That the said board of trustees shall have authority to make such by-laws and rules and regulations as shall be necessary for the government of the officers, teachers, employees, and inmates of the school, and from time to time alter, amend, and change the same.

SEC. 6. That all the sections of the act of May third, eighteen hundred and seventy-six, entitled "An act revising and amending the various acts establishing and relating to the Reform School of the District of Columbia," not inconsistent with the provisions of this act, are hereby made applicable to the Reform School for Girls of the District of Columbia, except the word "girls" shall be understood wherever the word "boys" occur in said act, and the words "eighteen years" wherever the words "sixteen years" occur.

SEC. 7. That within thirty days after this act is passed said trustees shall meet and organize by electing a president; and they shall draw lots and decide the length of service of said trustees. Three of said trustees shall serve for one year, three for two years, and three for three years, and their successors in office shall be appointed in like manner as the trustees of the Reform School of the District of Columbia are now appointed.

SEC. 8. That Congress shall have the right to alter, amend, or repeal this act at any time. [July 9, 1888.]

July 9, 1888.

CHAP. 597.—An act relating to the record of wills in the District of Columbia.

25 Stat. L., 246.
 Record of wills,
 District of Colum-
 bia, to be prima
 facie evidence of
 contents.

119 U. S., 608.

Be it enacted, &c., That the record of any will or codicil heretofore or hereafter recorded in the office of the register of wills of the District of Columbia, which shall have been admitted to probate by the supreme court of the District of Columbia, or by the late orphans' Court of said District, or the record of the transcript of the record and probate of any will or codicil elsewhere, or of any certified copy thereof heretofore or hereafter filed in the office of

said register of wills shall be prima facie evidence of the contents and due execution of such wills and codicils:

Provided, That this act shall not apply in any cause now pending in any of the courts of the District of Columbia. [July 9, 1888.]

CHAP. 598.—An act to amend section six hundred and eighty-five of the Revised Statutes relating to the District of Columbia.

July 9, 1888.

25 Stat. L., 247.

Be it enacted, &c., That section numbered six hundred and eighty-five of the Revised Statutes relating to the District of Columbia, be and the same is hereby, amended, so as to read as follows:

“**SEC. 685.** The summons shall be served like other writs of summons at least seven days before the appearance of the party complained of, but in case such party has left the District of Columbia, or can not be found, said summons may be served by delivering a written or printed, or partly written and partly printed copy thereof to the tenant, or to the agent or attorney of the defendant if he be known, or leaving the same with some person of suitable discretion above the age of sixteen years residing on or in possession of the premises and in case no one is in actual possession of said premises or residing thereon, then by posting a copy of said summons on the premises where it may be conveniently read.” [July 9, 1888.]

District of Columbia, in cases of forcible entry or detainer of real estate.

Summons. how served.

Substitute for R. S. of D. C., § 685.

CHAP. 615.—An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and eighty-nine, and for other purposes.

July 11, 1888.

25 Stat. L., 256.

Be it enacted, &c. * * [Par. 1.] And all engineers and others who are engaged in heating and ventilating the Senate wing of the Capitol shall be subject to the orders and in all respects under the direction of the Architect of the Capitol, subject to the approval of the Senate Committee on Rules. * *

Engineers, &c., Senate wing to be under Architect of Capitol.

1876, Aug. 15, ch. 287, par. 4, ante, p. 119.

Congressional law library hours. R. S., § 95.

[Par. 2.] That hereafter the law library shall be kept open every day so long as either House of Congress is in session. * * [July 11, 1888.]

CHAP. 676.—An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June thirtieth, eighteen hundred and eighty-nine, and for other purposes.

July 18, 1888.

25 Stat. L., 314.

Be it enacted, &c. * * [Par. 1.] That hereafter all fees collected by the inspector of gas and meters and the harbor-master and amounts collected for leases of streets and reservations and wharf charges shall be paid to the collector for payment into the Treasury to the credit of the United States and the District of Columbia in equal parts. * *

Fees collected by inspector of gas meters, &c., to be paid into Treasury, &c.

1874, June 23, ch. 480, § 8, ante, p. 53.

[Par. 2.] That hereafter contracts for repairs to pavements may be made for periods not exceeding five years, and subject to annual appropriation therefor by Congress. * *

Contracts for repairs to pavements not to be for over five years.

[Par. 3.] The Commissioners of the District of Columbia shall not, after the fifteenth day of September, eighteen hundred and eighty-eight, permit or authorize any additional telegraph, telephone, electric lighting or other wires to be erected or maintained on or over any of the streets or avenues of the city of Washington, and the said Commissioners are hereby directed to investigate and report to Congress at the beginning of its next session the best method of removing all electric wires from the air or surface of the streets,

Telegraph, &c., wires to be under ground.

avenues and alleys, and the best method of interring the same under ground, and such legal regulation thereof as may be needed; and they shall report what manner of conduits should be maintained by the city of Washington, if any, and the cost of constructing and maintaining the same, and what charge, if any, should be made by the city for the use of its conduits by the persons or corporations placing wires therein, and upon what terms and conditions the same should be used when required so to do, and for such investigation, one thousand dollars is hereby appropriated:

—of existing companies may be so laid.

Provided, That the Commissioners of the District may, under such reasonable conditions as they may prescribe, authorize the wires of any existing telegraph, telephone or electric light company now operating in the District of Columbia, to be laid under any street, alley, highway, footway or side-walk in the District, whenever in their judgment the public interest may require the exercise of such authority—such privileges as may be granted hereunder to be revocable at the will of Congress without compensation and no such authority to be exercised after the termination of the present Congress. * * [July 18, 1888.]

July 19, 1888.

CHAP. 679.—An act to ratify an act entitled “An act creating the county of San Juan,” in the Territory of New Mexico.

25 Stat. L., 336.

Be it enacted, &c. [Section 1 ratifies the act of New Mexico creating the county of San Juan.]

Territorial legislatures may create counties.

1886, July 30, ch. 818, *ante*, p. 503.

SEC. 2. That nothing in the act approved July thirtieth, eighteen hundred and eighty-six, entitled an act “to prohibit the passage of local or special laws in the Territories of the United States, to limit Territorial indebtedness, and for other purposes,” shall be construed to prohibit the creation by Territorial legislatures of new counties and the location of the county seats thereof. [July 19, 1888.]

July 20, 1888.

25 Stat. L., 338.

Bounties to certain soldiers.

Limit as to time of muster repealed.

1872, April 22, ch. 114 (17 Stat. L., 55).

— claims heretofore denied to be reconsidered.

1861, May 3, Proc. No. 6 (12 Stat. L., 1260).

CHAP. 690.—An act for the relief of certain volunteer soldiers.

Be it enacted, &c., That the act entitled “An act in relation to bounties,” approved April twenty-second, eighteen hundred and seventy-two, be amended by striking out the words “before August sixth, eighteen hundred and sixty-one”; and said act, as hereby amended, shall have full force and effect from April twenty-second, eighteen hundred and seventy-two.

SEC. 2. That the proper accounting officers of the Treasury be, and they are hereby, authorized and directed to reconsider the claims of all soldiers and their heirs who may have been denied the bounty of one hundred dollars granted by the act of April twenty-second, eighteen hundred and seventy-two, under any construction of said act which has since been modified or rescinded, and such claims shall, if found correct and just, be allowed and paid, provided the soldiers were enrolled or enlisted for three years prior to July twenty-second, eighteen hundred and sixty-one, under the proclamation of the President of the United States of May third, eighteen hundred and sixty-one, and the orders of the War Department issued in pursuance thereof, and were actually mustered into the service of the United States and honorably discharged. [July 20, 1888.]

CHAP. 692.—An act to extend the limits of the Port of New Orleans.

July 23, 1888.

Be it enacted, &c., That the limits of the port of entry of New Orleans, Louisiana, shall be, and the same are hereby, extended so as to include that portion of the Parish of Jefferson lying between the Mississippi River, Lake Ponchartrain, the upper line of the Parish of Orleans, left bank, and a line running parallel thereto, commencing at the Mississippi River at a point two miles above the upper line of the said Parish of Orleans, and extending to Lake Ponchartrain. [July 23, 1888.]

25 Stat. L., 339.
Port of New Orleans extended.
R. S., § 2568.

CHAP. 694.—An act providing for the appointment of police matrons for the District of Columbia, defining their duties, and for other purposes.

July 23, 1888.

Be it enacted, &c., That the Commissioners of the District of Columbia be, and they are hereby, authorized to appoint three matrons for the police department of said District, at a salary of six hundred dollars per annum, as soon as the necessary accommodations may be authorized and provided by Congress, and the work completed.

25 Stat. L., 340.
District of Columbia.
Police matrons to be appointed.

SEC. 2. That it shall be the duty of said police matrons to search, when necessary, examine, and care for the female prisoners who may be taken into custody by the police, and to take charge of lost or abandoned children while detained at a station-house to which a matron may be assigned, under such rules and regulations as the Commissioners of the District of Columbia may from time to time make.

—their duties.

SEC. 3. That no woman shall be appointed a police matron unless suitable for the position, and recommended therefor in writing by at least ten women of good standing, residents of the District. [July 23, 1888.]

—qualifications.

CHAP. 695.—An act to authorize the location of a branch home for volunteer disabled soldiers in Grant County, Indiana, and for other purposes.

July 23, 1888.

Be it enacted, &c., That the board of managers of the Home for Disabled Volunteer Soldiers are hereby authorized and directed to locate a branch of the Home at (1) some suitable point in Grant County, State of Indiana. The same shall not be located on a tract of land less than two hundred acres in extent.

National Home for Disabled Volunteer Soldiers; branch in Grant County, Indiana.
R. S., §§ 4825-4838.

SEC. 2. That said branch home shall be located, and the ground purchased by said board of managers, within three months, or as soon thereafter as practicable, from the approval of this act.

—location of.
1875, March 3, ch. 129, par. 6, and note, ante, p. 71.

SEC. 3. That within six months, or as soon thereafter as practicable, from the approval of this act, the said board of managers shall commence the erection of a suitable building or buildings on the ground so purchased for the use of said branch home. That said building or buildings shall be completed at as early a day as possible:

Building.

Provided, That the citizens of said county shall drill a natural gas well or wells on said grounds, of sufficient capacity to furnish gas for heating and lighting said buildings, and shall supply an adequate quantity of such gas free of cost to the Government.

SEC. 4. [Makes appropriation.]

SEC. 5. That all honorably discharged soldiers and sailors who served in the war of the rebellion, who are disabled by age, disease, or otherwise, and by reason of such disability are incapable of earning a living, shall be admitted into the Home for Disabled Volunteer Soldiers. [July 23, 1888.]

Admission.

July 24, 1888.

CHAP. 702.—An act making appropriations for the service of the Post Office Department for the fiscal year ending June thirtieth, eighteen hundred and eighty-nine.

25 Stat. L., 345.

Third-class offices allowed rent, light, and fuel.

*Be it enacted, &c., * * ** The Postmaster-General may hereafter allow rent, light, and fuel at offices of the third class in the same manner as he is now authorized by law to do in the case of offices of the first and second class:

Contracts for rent not to exceed 1 year nor amount appropriated.

Provided, That no contract for rent for a third-class post-office shall be made for a longer period than one year, nor shall the aggregate allowance for rent made in any year exceed the amount appropriated for such purpose. * * [July 24, 1888.]

R. S., § 3860.

1885, March 3,

ch. 342, par. 2, *ante*, p. 483. 1889, March 2, ch. 374, par. 2, *post*, p. 682.

August 1, 1888.

CHAP. 722.—An act to extend the leave of absence of employees in the Government Printing Office to thirty days per annum.

25 Stat. L., 852.

Government Printing Office employees to have 30 days' leave of absence a year.

Be it enacted, &c., That the act entitled "An act granting leave of absence to employees in the Government Printing Office," approved June thirtieth, eighteen hundred and eighty-six, be so amended as to extend the annual leave of absence therein described to thirty days in each fiscal year: *Provided,* That it shall be lawful to allow pro rata leave to those serving fractional parts of a year.

1868, March 3, ch. 128, § 4 and note, *ante*, p. 410.

[August 1, 1888.]

1886, June 30, ch. 572, *ante*, p. 499.

1891, March 3, ch. 559 and note, *post*, p. 934.

August 1, 1888.

CHAP. 723.—An act making May thirtieth a holiday in the District of Columbia.

25 Stat. L., 353.

Decoration Day a holiday in District of Columbia.

Be it enacted, &c., That the thirtieth day of May in each year, usually called "Decoration Day," shall be, and hereby is, made a holiday within the District of Columbia as fully in all respects as are the days mentioned as holidays in section nine hundred and ninety-three of the Revised Statutes of the District of Columbia. [August 1, 1888.]

R. S. of D. C., 993.

1879, Jan. 31, ch. 38, and note, *ante*, p. 210.

August 1, 1888.

CHAP. 727.—An act to perfect the quarantine service of the United States.

25 Stat. L., 355.

Quarantine service. Punishment, &c., upon quarantine grounds.

Be it enacted, &c., That whenever any person shall trespass upon the grounds belonging to any quarantine reservation, or whenever any person, master, pilot, or owner of a vessel entering any port of the United States, shall so enter in violation of section one of the act entitled "An act to prevent the introduction of contagious or infectious diseases into the United States," approved April twenty-ninth, eighteen hundred and seventy-eight, or in violation of the quarantine regulations framed under said act, such person, trespassing, or such master, pilot, or other person in command of a vessel shall, upon conviction thereof, pay a fine of not more than three hundred dollars, or be sentenced to imprisonment for a period of not more than thirty days, or shall be punished by both fine and imprisonment, at the discretion of the court.

1878, April 29, ch. 66, *ante*, p. 157.

1890, March 27, ch. 51, *post*, p. 709.

And it shall be the duty of the United States attorney in the district where the misdemeanor shall have been committed to take immediate cognizance of the offense, upon report made to him by any medical officer of the Marine Hospital Service, or by any officer of the customs service, or by any State officer acting under authority of section five of said act.

— duty of district attorneys relating to.

SEC. 2. That as soon after the passage of this act as practicable, the Secretary of the Treasury shall cause to be established, in addition to the quarantine established by the act approved March fifth, eighteen hundred and eighty-eight, quarantine stations as follows:

One at the mouth of the Delaware Bay; one near Cape Charles, at the entrance of the Chesapeake Bay; one on the Georgia coast; one at or near Key West; one in San Diego Harbor; one in San Francisco Harbor; and one at or near Port Townsend, at the entrance to Puget Sound; and the said quarantine stations when so established shall be conducted by the Marine Hospital Service under regulations framed in accordance with the act of April twenty-ninth, eighteen hundred and seventy-eight.

SEC. 3. [*Makes temporary appropriation.*] [August 1, 1888.]

CHAP. 728.—An act to authorize condemnation of land for sites of public buildings, and for other purposes. (1)

Quarantine stations established. 1888, March 5, ch. 20, *ante*, p. 581.

August 1, 1888.

25 Stat. L., 357.

Be it enacted, &c., That in every case in which the Secretary of the Treasury or any other officer of the Government has been, or hereafter shall be, authorized to procure real estate for the erection of a public building or for other public uses he shall be, and hereby is, authorized to acquire the same for the United States by condemnation, under judicial process, whenever in his opinion it is necessary or advantageous to the Government to do so.

Land for public uses may be condemned by judicial process.

And the United States circuit or district courts of the district wherein such real estate is located, shall have jurisdiction of proceedings for such condemnation, and it shall be the duty of the Attorney-General of the United States, upon every application of the Secretary of the Treasury, under this act, or such other officer, to cause proceedings to be commenced for condemnation, within thirty days from the receipt of the application at the Department of Justice.

Jurisdiction of United States courts.

SEC. 2. The practice, pleadings, forms and modes of proceedings in causes arising under the provisions of this act shall conform, as near as may be, to the practice, pleadings, forms and proceedings existing at the time in like causes in the courts of record of the State within which such circuit or district courts are held, any rule of the court to the contrary notwithstanding. [August 1, 1888.]

Practice and procedure.

NOTE.—(1) In addition to this act the following others appear to be in force authorizing or regulating the taking of private property for public use:

Revised Statutes, §§ 4870-4872, authorizing the Secretary of War to purchase land for national cemeteries, or obtain the same by appraisalment and payment, after application to the proper circuit or district court.

1875, March 3, ch. 130, par. 2, *ante*, p. 72, authorizing the Secretary of the Treasury to acquire, by donation or purchase, the right to occupy sites for life-saving stations, &c.

1883, March 3, ch. 143, par. 1, *ante*, p. 420, authorizing the Secretary of the Treasury to acquire land for public buildings and light-houses by private purchase or condemnation, and to defray the expenses incident to the procuring of sites from the appropriations for the construction of the buildings. (See 18 Opins., 174, 454.)

1888, April 24, ch. 194, *ante*, p. 584, authorizing the Secretary of War to cause proceedings to be instituted for the condemnation of any land, right of way, or material required for the improvement of rivers and harbors, or in his discretion to purchase the same or accept donations of lands or materials.

1889, March 2, ch. 370, par. 4, *post*, p. 677, prohibiting the Commissioners of the District of Columbia from employing agents in making purchases of school sites, &c., in certain cases.

1890, August 6, ch. 724, par. 4, *post*, p. 777, extending to the Commissioners of the District of Columbia the powers conferred on the officers of the United States by the act in the text, and regulating the preparation of plans, &c., for the buildings.

1890, August 18, ch. 797, *post*, p. 780, authorizing the Secretary of War to cause proceedings to be instituted for the condemnation of any land or right pertaining thereto, for fortifications and coast defenses, or to purchase the same or accept donations of such lands or rights. (See 45 Fed. Rep., 546.)

1890, August 30, ch. 837, §§ 2, 3, *post*, p. 793, which, after providing for the acquisition of land by purchase or condemnation for the purposes of the Government Printing Office, directs that hereafter the same provisions shall apply to all cases of the taking of property in the District of Columbia for public use.

Previous to the passage of the last-named act the proceedings in the District in taking private property for public use had not been uniform. In increasing the water supply, for instance, three appraisers were to be appointed, but the owner, if dissatisfied with their valuation, might apply to the Court of Claims. (22 Stat. L., 168, 169); while on the other hand the proceedings in the acquisition of land for the Library of Congress were to be conducted (24 Stat. L., 12, 13.) "in the manner provided with reference to the taking of land for highways in the District of Columbia," the provisions as to which are contained in R. S. of D. C., §§ 252-265.

On the construction of the act in the text, see 45 Fed. Rep., 396, 19 Opins., 673. As to how far these acts are only declaratory of powers already possessed by the officers named, see 91 U. S. 367; 16 Opins., 329; 17 Opins., 509; 18 Opins., 352. As to damages recoverable in such cases, see 25 C. Cls., 87, 277, 282.

August 1, 1888. CHAP. 729.—An act to regulate the liens of judgments and decrees of the courts of the United States.

25 Stat. L., 357.

Judgments of United States courts to be liens on property in States where judgments of State courts are so. — to be recorded under State laws, when, &c.

Be it enacted, &c., That judgments and decrees rendered in a circuit or district court of the United States within any State, shall be liens on property throughout such State in the same manner and to the same extent and under the same conditions only as if such judgments and decrees had been rendered by a court of general jurisdiction of such State:

Provided, That whenever the laws of any State require a judgment or decree of a State court to be registered, recorded, docketed, indexed, or any other thing to be done, in a particular manner, or in a certain office or county, or parish in the State of Louisiana before a lien shall attach, this act shall be applicable therein whenever and only whenever the laws of such State shall authorize the judgments and decrees of the United States courts to be registered, recorded, docketed, indexed, or otherwise conformed to the rules and requirements relating to the judgments and decrees of the courts of the State.

Indexes of judgment records to be kept by clerks of courts.

SEC. 2. That the clerks of the several courts of the United States shall prepare and keep in their respective offices complete and convenient indices and cross-indices of the judgment records of said courts, and such indices and records shall at all times be open to the inspection and examination of the public.

Record not required in State office in county where rendered.

SEC. 3. Nothing herein shall be construed to require the docketing of a judgment or decree of a United States court, or the filing of a transcript thereof, in any State office within the same county or parish in the State of Louisiana in which the judgment or decree is rendered, in order that such judgment or decree may be a lien on any property within such county. [August 1, 1888.]

August 7, 1888.

25 Stat. L., 382.

CHAP. 772.—An act supplementary to the act of July first, eighteen hundred and sixty-two, entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," and also of the act of July second, eighteen hundred and sixty-four, and other acts amendatory of said first-named act.

Subsidized railroad, &c., companies to maintain telegraph lines.

1862, ch. 120 (12 Stat. L., 489).

1864, ch. 216 (13 Stat. L., 356).

R. S., §§ 5258-5262.

1879, June 23, ch. 35, par. 3, *ante*, p. 267.

Equal facilities to be given to connecting lines.

R. S., §§ 5263-5269.

Be it enacted, &c., That all railroad and telegraph companies to which the United States has granted any subsidy in lands or bonds or loan of credit for the construction of either railroad or telegraph lines, which, by the acts incorporating them, or by any act amendatory or supplementary thereto, are required to construct, maintain, or operate telegraph lines, and all companies engaged in operating said railroad or telegraph lines shall forthwith and henceforward, by and through their own respective corporate officers and employees, maintain, and operate, for railroad, Governmental, commercial, and all other purposes, telegraph lines, and exercise by themselves alone all the telegraph franchises conferred upon them and obligations assumed by them under the acts making the grants as aforesaid.

SEC. 2. That whenever any telegraph company which shall have accepted the provisions of title sixty-five of the Revised Statutes shall extend its line to any station or office of a telegraph line belonging to any one of said railroad or telegraph companies, referred to in the first section of this act, said telegraph company so extending its line shall have the right and said railroad or telegraph company shall allow the line of said telegraph company so extending its line to connect with the telegraph line of said railroad or telegraph company to which it is extended at the place where their lines may meet, for the prompt and convenient interchange of telegraph business between said companies; and such railroad and telegraph companies, referred to in the first section of this act, shall so operate

their respective telegraph lines as to afford equal facilities to all, without discrimination in favor of or against any person, company, or corporation whatever, and shall receive, deliver, and exchange business with connecting telegraph lines on equal terms, and affording equal facilities, and without discrimination for or against any one of such connecting lines; and such exchange of business shall be on terms just and equitable.

SEC. 3. That if any such railroad or telegraph company referred to in the first section of this act, or company operating such railroad or telegraph line shall refuse or fail, in whole or in part, to maintain, and operate a telegraph line as provided in this act and acts to which this is supplementary, for the use of the Government or the public, for commercial and other purposes, without discrimination, or shall refuse or fail to make or continue such arrangements for the interchange of business with any connecting telegraph company, then any person, company, corporation, or connecting telegraph company may apply for relief to the Interstate Commerce Commission, whose duty it shall thereupon be, under such rules and regulations as said Commission may prescribe, to ascertain the facts, and determine and order what arrangement is proper to be made in the particular case, and the railroad or telegraph company concerned shall abide by and perform such order; and it shall be the duty of the Interstate Commerce Commission, when such determination and order are made, to notify the parties concerned, and, if necessary, enforce the same by writ of mandamus in the courts of the United States, in the name of the United States, at the relation of either of said Interstate Commerce Commissioners:

Provided, That the said Commissioners may institute any inquiry, upon their own motion, in the same manner and to the same effect as though complaint had been made.

SEC. 4. That in order to secure and preserve to the United States the full value and benefit of its liens upon all the telegraph lines required to be constructed by and lawfully belonging to said railroad and telegraph companies referred to in the first section of this act, and to have the same possessed, used, and operated in conformity with the provisions of this act and of the several acts to which this act is supplementary, it is hereby made the duty of the Attorney-General of the United States, by proper proceedings, to prevent any unlawful interference with the rights and equities of the United States under this act, and under the acts hereinbefore mentioned, and under all acts of Congress relating to such railroads and telegraph lines, and to have legally ascertained and finally adjudicated all alleged rights of all persons and corporations whatever claiming in any manner any control or interest of any kind in any telegraph lines or property, or exclusive rights of way upon the lands of said railroad companies, or any of them, and to have all contracts and provisions of contracts set aside and annulled which have been unlawfully and beyond their powers entered into by said railroad or telegraph companies, or any of them, with any other person, company, or corporation.

SEC. 5. That any officer or agent of said railroad or telegraph companies, or of any company operating the railroads and telegraph lines of said companies, who shall refuse or fail to operate the telegraph lines of said railroad or telegraph companies under his control, or which he is engaged in operating, in the manner directed in this act and by the acts to which it is supplementary, or who shall refuse or fail, in such operation and use, to afford and secure to the Government and the public equal facilities, or to secure to each of said connecting telegraph lines equal advantages and facilities in the interchange of business, as herein provided for, without any discrimination whatever for or adverse to the telegraph line of any or either of said connecting companies, or shall refuse to abide by, or perform

Interstate commerce commission to compel compliance.
1887, Feb. 4, ch. 104, ante, p. 529.

Investigations.

Attorney-General to prevent interference with rights of government.

Punishment for refusing to obey law, &c.

and carry out within a reasonable time the order or orders of the Interstate Commerce Commission, shall in every such case of refusal or failure be guilty of a misdemeanor, and, on conviction thereof, shall in every such case be fined in a sum of not exceeding one thousand dollars, and may be imprisoned not less than six months;

Actions for damages.

And in every such case of refusal or failure the party aggrieved may not only cause the officer or agent guilty thereof to be prosecuted under the provisions of this section, but may also bring an action for the damages sustained thereby against the company whose officer or agent may be guilty thereof, in the circuit or district court of the United States in any State or Territory in which any portion of the road or telegraph line of said company may be situated;

And in case of suit process may be served upon any agent of the company found in such State or Territory, and such service shall be held by the court good and sufficient.

Contracts between companies to be filed with Interstate Commerce Commission.

1887, Feb. 4, ch. 104, § 20, *ante*, p. 532.

SEC. 6. That it shall be the duty of each and every one of the aforesaid railroad and telegraph companies, within sixty days from and after the passage of this act, to file with the Interstate Commerce Commission copies of all contracts and agreements of every description existing between it and every other person or corporation whatsoever in reference to the ownership, possession, maintenance, control, use, or operation of any telegraph lines, or property over or upon its rights of way, and also a report describing with sufficient certainty the telegraph lines and property belonging to it, and the manner in which the same are being then used and operated by it, and the telegraph lines and property upon its right of way in which any other person or corporation claims to have a title or interest, and setting forth the grounds of such claim, and the manner in which the same are being then used and operated;

Companies to make reports.

And it shall be the duty of each and every one of said railroad and telegraph companies annually hereafter to report to the Interstate Commerce Commission, with reasonable fullness and certainty, the nature, extent, value, and condition of the telegraph lines and property then belonging to it, the gross earnings, and all expenses of maintenance, use, and operation thereof, and its relation and business with all connecting telegraph companies during the preceding year, at such time and in such manner as may be required by a system of reports which said commission shall prescribe;

—penalty for failure.

And if any of said railroad or telegraph companies shall refuse or fail to make such reports or any report as may be called for by said Commission, or refuse to submit its books and records for inspection, such neglect or refusal shall operate as a forfeiture, in each case of such neglect or refusal, of a sum not less than one thousand dollars nor more than five thousand dollars, to be recovered by the Attorney-General of the United States, in the name and for the use and benefit of the United States; and it shall be the duty of the Interstate Commerce Commission to inform the Attorney-General of all such cases of neglect or refusal, whose duty it shall be to proceed at once to judicially enforce the forfeitures hereinbefore provided.

Act may be altered, &c.

SEC. 7. That nothing in this act shall be construed to affect or impair the right of Congress, at any time hereafter, to alter, amend, or repeal the said acts hereinbefore mentioned; and this act shall be subject to alteration, amendment, or repeal as, in the opinion of Congress, justice or the public welfare may require;

Rights of government not affected.

R. S., §§ 5263-5269.

And nothing herein contained shall be held to deny, exclude, or impair any right or remedy in the premises now existing in the United States, or any authority that the Postmaster-General now has under title sixty-five of the Revised Statutes to fix rates, or, of the Government, to purchase lines as provided under said title, or to have its messages given precedence in transmission. [August 7, 1888.]

CHAP. 785.—An act to authorize the juries of the United States circuit and district courts to be used interchangeably, and to provide for drawing talesmen.

August 8, 1888.

25 Stat. L., 386.

Be it enacted, &c., That the act of Congress approved June thirtieth, eighteen hundred and seventy-nine, chapter fifty-two, section two, be, and the same is hereby, amended, so that whenever any circuit and district court of the United States shall be held at the same time and place they shall be authorized and required, if the business of the courts will permit, to use interchangeably the juries in either court drawn according to the provisions of said act. [August 8, 1888.]

Juries of circuit and district court may be used interchangeably.

R.S., § 800.

1879, June 30, ch. 52, *ante*, p. 270.

CHAP. 786.—An act to provide for the issuing and recording of certain commissions in the Department of Justice.

August 8, 1888.

25 Stat. L., 387.

Be it enacted, &c., That hereafter the commissions of all judicial officers, including marshals and attorneys of the United States, appointed by the President, by and with the advice and consent of the Senate, and all other commissions heretofore prepared at the Department of State upon the requisition of the Attorney-General, shall be made out and recorded in the Department of Justice, and shall be under the seal of said Department and countersigned by the Attorney-General, any laws to the contrary notwithstanding :

Commissions of judicial officers, &c., to be issued from Department of Justice.

R.S., §1794.

1874, March 18,

ch. 57, *ante*, p. 5.

1875, March 3,

ch. 131, § 14, *ante*,

p. 78.

Provided, That the said seal shall not be affixed to any such commission before the same shall have been signed by the President of the United States. [August 8, 1888.]

Seal when to be affixed.

CHAP. 787.—An act requiring notice of deficiency in accounts of principals to be given to sureties upon bonds of United States officials, and fixing a limitation of time within which suits shall be brought against said sureties upon said bonds.

August 8, 1888.

25 Stat. L., 387.

Be it enacted, &c., That hereafter, whenever any deficiency shall be discovered in the accounts of any official of the United States, or of any officer disbursing or chargeable with public money, it shall be the duty of the accounting officers making such discovery to at once notify the head of the Department having control over the affairs of said officer of the nature and amount of said deficiency, and it shall be the immediate duty of said head of Department to at once notify all obligors upon the bond or bonds of such official of the nature of such deficiency and the amount thereof. Said notification shall be deemed sufficient if mailed at the post-office in the city of Washington, District of Columbia, addressed to said sureties respectively, and directed to the respective post-offices where said obligors may reside, if known; but a failure to give or mail such notice shall not discharge the surety or sureties upon such bond.

When principal on official bond is deficient in his accounts, head of Department to be notified by accounting officer. Notice to sureties.

1887, March 3,

ch. 359, § 3, *ante*, p.

560.

1890, Aug. 30, ch.

837, § 4, *post*, p. 794.

SEC. 2. That if, upon the statement of the account of any official of the United States, or of any officer disbursing or chargeable with public money, by the accounting officers of the Treasury, it shall thereby appear that he is indebted to the United States, and suit therefor shall not be instituted within five years after such statement of said account, the sureties on his bond shall not be liable for such indebtedness. [August 8, 1888.]

If suit be not instituted within five years sureties released.

R. S., §§ 786,

3838.

August 8, 1888.

CHAP. 788.—An act to provide for a term of court at Quincy, Illinois.

25 Stat. L., 387.
Illinois.

District and circuit courts to be held at Quincy.

R. S., §§572, 658.
1890, July 2, ch. 651, *post*, p. 764.

Marshal and clerk.

Special terms for southern district may be held.

Be it enacted, &c., That hereafter, and until otherwise provided by law, there shall be held annually, on the first Monday in September, a term of the circuit and district courts of the United States for the southern district of Illinois, at the city of Quincy, in said district; said term to be in addition to the terms now required by law to be held at the cities of Springfield and Cairo, in said district.

SEC. 2. That the marshal and clerk of said district shall each, respectively, appoint at least one deputy to reside in said city of Quincy, unless he shall reside there himself, and also maintain an office at that place of holding court.

SEC. 3. That the judge of the United States circuit or district court for said district, may, by order, from time to time, appoint and hold additional special terms of said court in said district, for the disposal of the unfinished business thereof, whenever the interest of the public and the condition of the docket shall so require. [August 8, 1888.]

August 8, 1888.

CHAP. 789.—An act to subdivide the western judicial district of Louisiana.

25 Stat. L., 388.

Louisiana western judicial districts subdivided—what process returnable to Opelousas.

R. S., § 531.
—to Alexandria.

—to Shreveport.

—to Monroe.

When defendants are in different divisions.

Cases to be tried in division where processes are returnable.

Crimes.

—heretofore committed.

Jurors.

Deputy clerk at each place where court is held.

Be it enacted, &c., That all processes from the circuit and district courts of the United States from the western district of Louisiana against defendants residing in the parishes of Saint Landry, Saint Martin, Cameron, Calcasieu, La Fayette, and Vermillion, in the State of Louisiana, shall be returned to said courts at Opelousas;

1887, March 3, ch. 144, *ante*, p. 325.

All processes against defendants residing in the parishes of Rapides, Vernon, Avoyelles, Catahoula, Grant, and Winn shall be returned to Alexandria;

All processes against defendants residing in the parishes of Caddo, De Soto, Bossier, Webster, Claiborne, Bienville, Natchitoches, Red River, and Sabine, shall be returned to Shreveport;

And all processes against defendants residing in the parishes of Ouachita, Franklin, Richland, Morehouse, East Carroll, West Carroll, Madison, Tensas, Concordia, Union, Caldwell, Jackson, and Lincoln shall be returned to Monroe.

SEC. 2. That if there be more than one defendant and they reside in different divisions of the district, the plaintiff may sue in either division, and send duplicate writ or writs to the other defendants; and the said writs, when executed and returned into the court from which they issued, shall constitute one suit and be proceeded in accordingly.

SEC. 3. That all causes triable in either of the courts of said western district shall be tried in the division to which the process is returnable under the provisions of this act, unless by consent of all parties the cause be removed to some other division of said district.

SEC. 4. That all prosecutions for crimes or offenses hereafter committed in either of the divisions shall be cognizable within such division:

Provided, That all crimes and offenses heretofore committed within the divisions created by this act shall be prosecuted, tried, and determined in the same manner and with the same effect as if this act had not been passed.

SEC. 5. That all grand and petit jurors summoned for service in each division shall be residents of such division.

SEC. 6. That a deputy clerk of the district court shall be appointed at each place in the four divisions of said western 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.

SEC. 7. That causes removed from any court of the State of Louisiana into the circuit court of the United States within said western district shall be removed to the circuit court in the division in which such State court is held. [August 8, 1888.]

Division to
which cases re-
moved from State
courts.

CHAP. 790.—An act providing for the holding of the United States courts in the city of Newark, New Jersey.

August 8, 1888.

25 Stat. L., 388.

Be it enacted, &c., That at each term of the circuit and district courts of the United States to be holden in and for the district of New Jersey, it shall be lawful for the judge or judges holding such term upon consent of both parties, or application therefor and and good cause shown by either party to any civil cause set for trial or hearing at said term, to order such cause to be heard or tried at the city of Newark, in said district, upon a day set for that purpose by said judge:

New Jersey.
Cases in United
States courts may
be tried in New-
ark by consent of
parties, &c.
R. S., §§ 572,
658.

Provided, Such application shall be made to such judge, either in vacation or term time, at least one week before the date set for the trial of said cause, and on at least five days notice to the opposite party, or his or her counsel; and writs of subpoena to compel the attendance of witnesses at said city of Newark may issue, and jurors summoned to attend said term may be ordered by said judge or judges to be in attendance upon said court in the city of Newark. [August 8, 1888.]

Application, no-
tice and sub-
poenas.

CHAP. 792.—An act to provide for holding terms of the circuit and district courts of the United States for the district of Kentucky at Owensborough, in said district, and for other purposes.

August 8, 1888.

25 Stat. L., 389.

Be it enacted, &c., That the territory embraced within the following counties in said district, to wit:

Daviess, Henderson, Union, Christian, Todd, Hopkins, Webster, McLean, Muhlenberg, Logan, Butler, Grayson, Ohio, Hancock, and Breckenridge, shall hereafter constitute and be known as the Owensborough division of said district;

Kentucky:

Owensborough
division of judi-
cial district.
R. S., § 581.

And regular terms of the circuit and district courts of the United States for said district shall be held semi-annually in the city of Owensborough, in said division, beginning on the fourth Monday in January and the first Monday in June, and continuing at each term for eighteen judicial days, if the business shall require it;

— courts in.
R. S., §§ 572, 658.
1879, July 1, ch.
50, ante, p. 271.

And the judges of said courts shall have the same power to call special terms in said division as they may now do under the laws of the United States elsewhere in said district.

Special terms.
R. S., §§ 581,
661, 669.

SEC. 2. That the said courts so sitting at Owensborough shall have and exercise the same jurisdiction, power, and authority in all civil actions, pleas, or proceedings, and in all prosecutions, informations, indictments, or other criminal or penal proceedings, conferred by general laws on the district and circuit courts of the United States;

Jurisdiction.

And where one or more defendants in any civil cause shall reside in said division, and one or more defendants to such cause shall reside out of said division but in said district, then the plaintiff may institute his action either in the court having jurisdiction over the latter or in the said division.

SEC. 3. That in and for said division the clerk of the said district, at Louisville, shall appoint a deputy who shall reside at Owensborough, and in case of the death or removal of said deputy, or from

Deputy clerk.

other cause, it becomes necessary, he shall appoint a successor or successors to said deputy in like manner in all respects as by law he may now appoint and remove deputies; and he may require bond of said deputy to himself, with surety for the faithful discharge of his duties and for indemnity in case of breach, on which actions may be maintained in said district court; and said deputy shall keep and preserve the records of the court at Owensborough; issue all writs, precepts, and process, and perform all other duties devolved upon his principal.

Deputy marshal. SEC. 4. That the marshal of said district shall, by himself or deputy, attend upon the terms of the court in said division; and he may appoint a deputy to reside at Owensborough (and shall do so if ordered by the court), who shall discharge all the duties of marshal; and the marshal may require a bond of indemnity to himself with surety for the faithful discharge of his duties and for indemnity in case of breach, on which actions may be maintained in said district Court.

SEC. 5. [*Relates to pending cases.*]

SEC. 6. [*Makes temporary provision for place of holding court till completion of public building provided for by 1887, Feb. 16, ch. 131 (24 Stat. L., 403).*] [*August 8, 1888.*]

August 9, 1888.

CHAP. 817.—An act to provide for the holding of the district court of the United States at Salina, Kansas.

25 Stat. L., 392.

Kansas.

Term of district court to be held at Salina.

R. S., § 572.
1879, March 3,
ch. 177, ante, p. 245.

Deputy clerk,
district attorney,
and marshal.

1890, June 9, ch.
403, post, p. 744.

Be it enacted, &c., That there shall be one term of the United States district court for the district of Kansas held in the city of Salina in each year, the term of said court to be held on the second Monday of May from and after the passage of this act. But no cause, action, or proceeding shall be tried or considered in the court herein provided for unless by consent of all the parties thereto or order of the court for cause.

SEC. 2. That the clerk of the district court for the district of Kansas, the marshal and district attorney for said district shall perform the duties pertaining to their offices, respectively, for said courts; and said clerk and marshal shall appoint a deputy to reside and keep their offices at Salina, and who shall, in the absence of their principals, do and perform all the duties appertaining to their said offices, respectively. [*August 9, 1888.*]

August 9, 1888.

CHAP. 818.—An act in relation to marriage between white men and Indian women.

25 Stat. L., 392.

White men marrying Indian women not to acquire tribal rights.

Indian women marrying white men become citizens.

1887, Feb. 8, ch.
119, § 6, ante, p.
536.

Evidence of marriage of white men with Indian women.

Be it enacted, &c., That no white man, not otherwise a member of any tribe of Indians, who may hereafter marry, an Indian woman, member of any Indian tribe in the United States, or any of its Territories except the five civilized tribes in the Indian Territory, shall by such marriage hereafter acquire any right to any tribal property, privilege, or interest whatever to which any member of such tribe is entitled.

SEC. 2. That every Indian woman, member of any such tribe of Indians, who may hereafter be married to any citizen of the United States, is hereby declared to become by such marriage a citizen of the United States, with all the rights, privileges, and immunities of any such citizen, being a married woman:

Provided, That nothing in this act contained shall impair or in any way affect the right or title of such married woman to any tribal property or any interest therein.

SEC. 3. That whenever the marriage of any white man with any Indian woman, a member of any such tribe of Indians, is required or offered to be proved in any judicial proceeding, evidence of the admission of such fact by the party against whom the proceeding is had, or evidence of general repute, or of cohabitation as married persons, or any other circumstantial or presumptive evidence from which the fact may be inferred, shall be competent. [*August 9, 1888.*]

CHAP. 819.—An act to authorize the leasing of the school and university lands in the Territory of Wyoming, and for other purposes.

August 9, 1888.

25 Stat. L., 393.

Be it enacted, &c., That the county commissioners of each of the counties organized or hereafter organized in the Territory of Wyoming are hereby authorized to lease the lands devoid of timber and known mineral deposits heretofore reserved or that may hereafter be reserved for school purposes in their respective counties, in such manner as may be provided by the laws of the said Territory.

Wyoming.
School lands
may be leased.

SEC. 2. That all moneys derived from the leasing of the lands as provided by the first section of this act shall become part of the school funds of the county where such lands are situated, and shall be used for the building of school-houses and the support of public schools in such county, and for no other purpose.

Use of funds.

SEC. 3. That the governor, superintendent of public instruction, and auditor of the Territory of Wyoming are hereby constituted a board, with authority to lease the lands heretofore selected, or that may be hereafter selected, for university purposes, under the provisions of the act of Congress entitled "An act to grant lands to Dakota, Montana, Arizona, Idaho, and Wyoming for university purposes," approved February eighteenth, eighteen hundred and eighty-one, in the said Territory of Wyoming, in such manner as may be provided by the laws of the Territory of Wyoming:

University
lands may be
leased.

1881, Feb. 18,
ch. 61, *ante*, p.
316.

1890, July 10,
ch. 664, § 8, *post*,
p. 769.

Provided, That until the legislature of said Territory shall provide by law for the leasing of said university and school lands the said governor, superintendent of public instruction, and auditor are authorized, with the approval of the Secretary of the Interior, to make the necessary rules and regulations to carry out the provisions of this section.

Regulations for
leasing.

SEC. 4. That all moneys derived from the leasing of the said university lands, as provided by the third section of this act, shall become a part of the university fund of said Territory, and shall be used for the support of the university of Wyoming, and for no other purpose.

Use of funds.

SEC. 5. That no lease under the provisions of this act shall be made for a term exceeding five years, and all leases shall expire within six months after the Territory is admitted as a State into the Union: *Provided*, That the Secretary of the Interior may at any time in his discretion annul any lease made under the provisions of this act.

Terms of leases
and annulment.

SEC. 6. That where lands in the sixteenth and thirty-sixth sections, in the Territory of Wyoming, are found upon survey to be in the occupancy, and covered by the improvements of an actual pre-emption or homestead settler, or where either of them are fractional in quantity, in whole or in part, or wanting because the townships are fractional or have been or shall hereafter be reserved for public purposes, or found to be mineral in character, other lands may be selected by an agent appointed by the governor of the Territory in lieu thereof, from the surveyed public lands within the Territory not otherwise legally claimed or appropriated at the time of selection, in accordance with the principles of adjustment prescribed by section twenty-two hundred and seventy-six of the Revised Statutes of the United States, and upon a determination by the Interior Department that a portion of the smallest legal subdivision in a section numbered sixteen, or thirty-six, in Wyoming, is mineral land, such smallest legal subdivision shall be excepted from the reservation for schools, and indemnity allowed for it in its entirety, and such subdivisions or the portions of them remaining after segregation of the mineral lands or claims, shall be treated as other public lands of the United States. [August 9, 1888.]

Lands to be se-
lected in lieu of
school lands found
to be mineral
lands.

R. S., § 2276.
1890, July 10,
ch. 664, §§ 4, 13,
post, pp. 768, 770.

August 11, 1888.

CHAP. 860.—An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

25 Stat. L., 400.

Deflection of currents by piers, &c., in navigable waters of United States by reason of bridges, &c., to be investigated on complaint to Secretary of War, and to be remedied.

1884, July 5, ch. 229, § 8, *ante*, p. 466.

1890, Sept. 19, ch. 907, §§ 4, 5, *post*, pp. 800, 801.

Existing rights of action not affected.

Application of appropriations.
R. S., § 3709.

Contracts.
1890, Sept. 19, ch. 907, § 2, *post*, p. 800.

Annual report of Chief of Engineers to be placed in hands of Public Printer by Oct. 15.
1879, June 28, ch. 43, § 4, *ante*, p. 269.

1884, July 5, ch. 229, § 1, *ante*, p. 465.

Fish-ways.

*Be it enacted, &c., * * [Section 1 makes appropriations.]*

SEC. 2. That whenever complaint shall be made to the Secretary of War that by reason of the placing in any navigable waters of the United States of any bridge pier or abutment, the current of such waters has been so deflected from its natural course as to cause by producing caving of banks or otherwise serious damage or danger to property, it shall be his duty to make inquiry, and if it shall be ascertained that the complaint is well founded, he shall cause the owners or persons operating such bridge to repair such damage or prevent such danger to property by such means as he shall indicate and within such time as he may name, and in default thereof the owners or persons operating such bridge shall be liable in any court of competent jurisdiction to the persons injured in a sum double the amount of said injury:

Provided, however, That nothing herein contained shall be construed so as to affect any rights of action which may exist at the time of the passage of this act.

SEC. 3. That it shall be the duty of the Secretary of War to apply the money herein and hereafter appropriated for improvements of rivers and harbors, other than surveys, estimates and gaugings, in carrying on the various works, by contract or otherwise, as may be most economical and advantageous to the Government.

Where said works are done by contract, such contract shall be made after sufficient public advertisement for proposals, in such manner and form as the Secretary of War shall prescribe; and such contracts shall be made with the lowest responsible bidders, accompanied by such securities as the Secretary of War shall require, conditioned for the faithful prosecution and completion of the work according to such contract.

SECS. 4-7. [*Make local provisions as to the Mississippi River.*]

SEC. 8. That the Secretary of War shall cause the manuscript of the annual report of the Chief of Engineers and subordinate engineers, relating to the improvement of rivers and harbors, and the report of the Mississippi and Missouri River Commissions to be placed in the hands of the Public Printer on or before the fifteenth day of October in each year, and the Public Printer shall cause said reports to be printed with an accurate and comprehensive index thereof, on or before the first Monday in December in each year, for the use of Congress.

SECS. 9, 10. [*For substitute, see 1890, Sept. 19, ch. 907, §§ 4, 5, post, pp. 800, 801.*]

SEC. 11. Whenever the improvements provided for by this act, or those which have heretofore been prosecuted by the United States, or may hereafter be undertaken, shall be found to operate (whether by lock and dam or otherwise), as obstructions to the passage of fish, the Secretary of War may, in his discretion, direct and cause to be constructed practical and sufficient fish-ways, to be paid for out of the general appropriations for the streams on which such fish-ways may be constructed.

SEC. 12. [*For substitute, see 1890, Sept. 19, ch. 907, § 12, post, p. 803.*]

SECS. 13, 14. [*Provide for preliminary surveys in various localities.*]
[*Became a law August 11, 1888, without the President's approval.*]

CHAP. 866.—An act to correct the enrollment of an act approved March third, eighteen hundred and eighty-seven, entitled "An act to amend sections one, two, three, and ten of an act to determine the jurisdiction of the circuit courts of the United States, and to regulate the removal of causes from the State courts, and for other purposes, approved March third, eighteen hundred and seventy-five." (1)

August 13, 1888.

25 Stat. L., 433.

Be it enacted, &c., That the act approved March third, eighteen hundred and eighty-seven, entitled "An act to amend sections one, two, three, and ten of an act to determine the jurisdiction of the circuit courts of the United States, and to regulate the removal of causes from State courts, and for other purposes, approved March third, eighteen hundred and seventy-five," be, and the same is hereby amended so as to read as follows:

Jurisdiction of circuit courts.
R. S., § 629.

"*Be it enacted, &c.,* That the first section of an act entitled 'An act to determine the jurisdiction of circuit courts of the United States and to regulate the removal of causes from State courts, and for other purposes,' approved March third, eighteen hundred and seventy-five, be, and the same is hereby, amended so as to read as follows:

Substitute for 1875, Mar. 3, ch. 137, §§ 1, 2, 3, ante, p. 83, and 18 Stat. L., 470.

"That the circuit courts of the United States shall have original cognizance, concurrent with the courts of the several States, of all suits of a civil nature, at common law or in equity, where the matter in dispute exceeds, exclusive of interest and costs, the sum or value of two thousand dollars, and arising under the Constitution or laws of the United States, or treaties made, or which shall be made, under their authority, or in which controversy the United States are plaintiffs or petitioners, or in which there shall be a controversy between citizens of different States, in which the matter in dispute exceeds, exclusive of interest and costs, the sum or value aforesaid, or a controversy between citizens of the same State claiming lands under grants of different States, or a controversy between citizens of a State and foreign states, citizens, or subjects, in which the matter in dispute exceeds, exclusive of interest and costs, the sum or value aforesaid, and shall have exclusive cognizance of all crimes and offenses cognizable under the authority of the United States, except as otherwise provided by law, and concurrent jurisdiction with the district courts of the crimes and offenses cognizable by them.

— of civil suits at law and in equity, where matter in dispute exceeds \$2,000 arising under laws of U. S., or where U. S. are plaintiffs, or between citizens of different States.
133 U. S., 315.
137 U. S., 369.

But no person shall be arrested in one district for trial in another in any civil action before a circuit or district court;

— of crimes.

Defendant not to be arrested in one district for trial in another in civil cases.
R. S., § 739.

NOTE.— 1) 1867, March 3, ch. 373, as enrolled and printed, 24 Stat. L., 552, contained about 20 errors of spelling and punctuation. The sole object of this act, as indicated by its title, was to re-enact that of 1867 with clerical corrections, though, curiously, a new error is introduced into the title of this act in the insertion of a superfluous "the" before the words "State courts."

There are about 200 reported decisions of the circuit courts on the construction of these acts, beginning with the thirtieth volume of the Federal Reporter.

In addition to this act the following relate to the jurisdiction of circuit courts:

Revised Statutes, §§ 629-657.

1875, Feb. 16, ch. 77, *ante*, pp. 62, 63, providing for findings of fact and conclusions of law in admiralty cases, also for juries in certain patent cases in equity.

1875, Feb. 22, ch. 95, *ante*, pp. 65, 66, providing for a mode of approval of accounts of officers of U. S. courts, and for the issuance of the writ of mandamus by the circuit courts to compel delinquent officers to make returns required by law.

1875, March 1, ch. 114, *ante*, p. 67, giving jurisdiction to the circuit courts in civil rights cases.

1875, March 3, ch. 137, *ante*, p. 83, regulating proceedings in the circuit courts in certain cases.

1881, March 3, ch. 138, § 7, *ante*, p. 324, giving original and appellate jurisdiction in trade-mark cases to the courts of the United States without regard to the amount in controversy.

1886, Feb. 25, ch. 149, § 2, *ante*, p. 478, giving jurisdiction to circuit and district courts to restrain and prevent by injunction the unlawful enclosure of public lands of the United States.

1886, Feb. 26, ch. 164, § 3, *ante*, p. 479, giving jurisdiction to the circuit courts in cases under the alien contract labor law.

1887, Feb. 4, ch. 104, § 9, *ante*, p. 530, giving jurisdiction to the district and circuit courts of complaints for violation of the interstate commerce act.

1887, March 3, ch. 359, § 2, *ante*, p. 559, giving to the district and circuit courts jurisdiction of certain claims against the United States concurrently with the Court of Claims.

1890, March 2, ch. 382, *post*, p. 684, giving additional jurisdiction to the circuit courts in interstate commerce cases.

1890, June 10, ch. 407, § 15, *post*, p. 751, giving jurisdiction to the circuit courts of certain cases under the customs revenue laws.

1890, July 2, ch. 647, § 4, *post*, p. 768, giving the circuit courts jurisdiction to prevent and restrain violations of the anti-trust act.

1890, Sept. 4, ch. 874, *post*, p. 799, extending the criminal jurisdiction of the circuit and district courts to the Great Lakes and their connecting waters.

1891, March 3, ch. 517, § 4, *post*, p. 907, abolishing all appellate jurisdiction of circuit courts.

1891, March 3, ch. 551, § 13, *post*, p. 937, giving the circuit and district courts concurrent jurisdiction under the immigration acts.

— nor to be sued in district other than that of residence, &c.

134 U. S., 41, 492.

Suits by assignee not to be entertained unless assignor might have sued, except, &c.

138 U. S., 95.

Appellate jurisdiction.

1891, March 3, ch. 517, § 4, *post*, p. 903.

Removal of suits arising under laws of U. S. from State to circuit courts.

— of other suits.
R. S., § 639.

— by one or more of several defendants when there is a separable controversy.

— on account of local prejudice.

Suit to be remanded as to defendants not prejudiced.

— or if prejudice does not exist.

And no civil suit shall be brought before either of said courts against any person by any original process or proceeding in any other district than that whereof he is an inhabitant, but where the jurisdiction is founded only on the fact that the action is between citizens of different States, suit shall be brought only in the district of the residence of either the plaintiff or the defendant;

Nor shall any circuit or district court have cognizance of any suit, except upon foreign bills of exchange, to recover the contents of any promissory note or other chose in action in favor of any assignee, or of any subsequent holder if such instrument be payable to bearer and be not made by any corporation, unless such suit might have been prosecuted in such court to recover the said contents if no assignment or transfer had been made;

And the circuit courts shall also have appellate jurisdiction from the district courts under the regulations and restrictions prescribed by law."

That the second section of said act be, and the same is hereby, amended so as to read as follows:

"SEC. 2. That any suit of a civil nature, at law or in equity, arising under the Constitution or laws of the United States, or treaties made, or which shall be made, under their authority, of which the circuit courts of the United States are given original jurisdiction by the preceding section, which may now be pending, or which may hereafter be brought, in any State court, may be removed by the defendant or defendants therein to the circuit court of the United States for the proper district.

Any other suit of a civil nature, at law or in equity, of which the circuit courts of the United States are given jurisdiction by the preceding section, and which are now pending, or which may hereafter be brought, in any State court, may be removed into the circuit court of the United States for the proper district by the defendant or defendants therein, being non-residents of that State.

And when in any suit mentioned in this section there shall be a controversy which is wholly between citizens of different States, and which can be fully determined as between them, then either one or more of the defendants actually interested in such controversy may remove said suit into the circuit court of the United States for the proper district.

And where a suit is now pending, or may be hereafter brought, in any State court, in which there is a controversy between a citizen of the State in which the suit is brought and a citizen of another State, any defendant, being such citizen of another State, may remove such suit into the circuit court of the United States for the proper district, at any time before the trial thereof, when it shall be made to appear to said circuit court that from prejudice or local influence he will not be able to obtain justice in such State court, or in any other State court to which the said defendant may, under the laws of the State, have the right, on account of such prejudice or local influence, to remove said cause:

Provided, That if it further appear that said suit can be fully and justly determined as to the other defendants in the State court, without being affected by such prejudice or local influence, and that no party to the suit will be prejudiced by a separation of the parties, said circuit court may direct the suit to be remanded, so far as relates to such other defendants, to the State court, to be proceeded with therein.

"At any time before the trial of any suit which is now pending in any circuit court or may hereafter be entered therein, and which has been removed to said court from a State court on the affidavit of any party plaintiff that he had reason to believe and did believe that, from prejudice or local influence, he was unable to obtain justice in said State court, the circuit court shall, on application of the other

party, examine into the truth of said affidavit and the grounds thereof, and, unless it shall appear to the satisfaction of said court that said party will not be able to obtain justice in such State court, it shall cause the same to be remanded thereto.

“Whenever any cause shall be removed from any State court into any circuit court of the United States, and the circuit court shall decide that the cause was improperly removed, and order the same to be remanded to the State court from whence it came, such remand shall be immediately carried into execution, and no appeal or writ of error from the decision of the circuit court so remanding such cause shall be allowed.”

That section three of said act be, and the same is hereby, amended so as to read as follows:

“SEC. 3. That whenever any party entitled to remove any suit mentioned in the next preceding section, except in such cases as are provided for in the last clause of said section, may desire to remove such suit from a State court to the circuit court of the United States, he may make and file a petition in such suit in such State court at the time, or any time before the defendant is required by the laws of the State or the rule of the State court in which such suit is brought to answer or plead to the declaration or complaint of the plaintiff, for the removal of such suit into the circuit court to be held in the district where such suit is pending, and shall make and file therewith a bond, with good and sufficient surety, for his or their entering in such circuit court, on the first day of its then next session, a copy of the record in such suit, and for paying all costs that may be awarded by the said circuit court if said court shall hold that such suit was wrongfully or improperly removed thereto, and also for their appearing and entering special bail in such suit if special bail was originally requisite therein.

It shall then be the duty of the State court to accept said petition and bond, and proceed no further in such suit;

And the said copy being entered as aforesaid in said circuit court of the United States, the cause shall then proceed in the same manner as if it had been originally commenced in the said circuit court;

And if in any action commenced in a State court the title of land be concerned, and the parties are citizens of the same State, and the matter in dispute exceed the sum or value of two thousand dollars, exclusive of interest and costs, the sum or value being made to appear, one or more of the plaintiffs or defendants, before the trial, may state to the court, and make affidavit if the court require it, that he or they claim and shall rely upon a right or title to the land under a grant from a State, and produce the original grant, or an exemplification of it, except where the loss of public records shall put it out of his or their power, and shall move that any one or more of the adverse party inform the court whether he or they claim a right or title to the land under a grant from some other State, the party or parties so required shall give such information, or otherwise not be allowed to plead such grant or give it in evidence upon the trial;

And if he or they inform that he or they do claim under such grant, any one or more of the party moving for such information may then, on petition and bond, as hereinbefore mentioned in this act, remove the cause for trial to the circuit court of the United States next to be holden in such district;

And any one of either party removing the cause shall not be allowed to plead or give evidence of any other title than that by him or them stated as aforesaid as the ground of his or their claim.”

SEC. 2. That whenever in any cause pending in any court of the United States there shall be a receiver or manager in possession of any property, such receiver or manager shall manage and operate such property according to the requirements of the valid laws of the

No appeal allowed from order remanding.

123 U.S., 56, 286, 679.

134 U.S., 45.

137 U.S., 143, 451.

Petition and bond for removal.

138 U.S., 303.

State court to proceed no further.

Circuit court to proceed.

Suits between citizens of the same State claiming under grants of different States.

R. S., § 647.

— removal.

— party removing not to give other evidence of title than that stated.

Receivers to manage property according to State laws.

State in which such property shall be situated, in the same manner that the owner or possessor thereof would be bound to do if in possession thereof.

Punishment for violation.

Any receiver or manager who shall willfully violate the provisions of this section shall be deemed guilty of a misdemeanor, and shall, on conviction thereof, be punished by a fine not exceeding three thousand dollars, or by imprisonment not exceeding one year, or by both said punishments, in the discretion of the court.

Suits against receivers.

SEC. 3. That every receiver or manager of any property appointed by any court of the United States may be sued in respect of any act or transaction of his in carrying on the business connected with such property, without the previous leave of the court in which such receiver or manager was appointed;

—subject to equity jurisdiction.

But such suit shall be subject to the general equity jurisdiction of the court in which such receiver or manager was appointed, so far as the same shall be necessary to the ends of justice.

National banks deemed citizens of the United States.

R. S., §§ 563, par. 15, 629, par. 10. 1882, July 12, ch.

SEC. 4. That all national banking associations established under the laws of the United States shall, for the purposes of all actions by or against them, real, personal, or mixed, and all suits in equity, be deemed citizens of the States in which they are respectively located;

—jurisdiction same as between individuals.

290, § 4, *ante*, p. 354. And in such cases the circuit and district court shall not have jurisdiction other than such as they would have in cases between individual citizens of the same State.

Not to apply to suits by U. S., &c.

The provisions of this section shall not be held to affect the jurisdiction of the courts of the United States in cases commenced by the United States or by direction of any officer thereof, or cases for winding up the affairs of any such bank.

Civil rights jurisdiction not affected.

R. S., §§ 641-643, 722.

1875, Mar. 3, ch. 137, § 8; Mar. 1, ch. 114, § 3; *ante*, pp. 84, 68.

SEC. 5. That nothing in this act shall be held, deemed, or construed to repeal or affect any jurisdiction or right mentioned either in sections six hundred and forty-one, or in six hundred and forty-two, or in six hundred and forty-three, or in seven hundred and twenty-two, or in title twenty-four of the Revised Statutes of the United States, or mentioned in section eight of the act of Congress of which this act is an amendment, or in the act of Congress approved March first, eighteen hundred and seventy-five, entitled "An act to protect all citizens in their civil and legal rights."

Repeal of

1875, Mar. 3, ch. 137, § 5, *in part*, *ante*, p. 84, and 18 Stat. L., 472, and R. S., § 640.

SEC. 6. That the last paragraph of section five of the act of Congress approved March third, eighteen hundred and seventy-five, entitled "An act to determine the jurisdiction of circuit courts of the United States and to regulate the removal of causes from State courts, and for other purposes," and section six hundred and forty of the Revised Statutes, and all laws and parts of laws in conflict with the provisions of this act, be, and the same are hereby repealed :

Pending suits.

Provided, That this act shall not affect the jurisdiction over or disposition of any suit removed from the court of any State, or suit commenced in any court of the United States, before the passage hereof except as otherwise expressly provided in this act.

Certain relatives of judges not to be appointed or employed as officers of courts.

SEC. 7. That no person related to any justice or judge of any court of the United States by affinity or consanguinity within the degree of first cousin shall hereafter be appointed by such court or judge to, or employed by such court or judge in, any office or duty in any court of which such justice or judge may be a member. [August 13, 1888.]

August 13, 1888.

25 Stat. L., 437.

Time extended for filing claims of officers for pay prior to muster.

CHAP. 868.—An act to extend the provisions of "An act to provide for the muster and pay of certain officers and enlisted men of the volunteer forces," and for other purposes.

Be it enacted, &c., That the provisions of "An act to provide for the muster and pay of certain officers and enlisted men of the volunteer forces," approved June fourth, eighteen hundred and eighty-

four, as amended by the act approved February third, eighteen hundred and eighty-seven, be, and the same are hereby, revived and extended for a period of five years from the third day of June, eighteen hundred and eighty-seven.

SEC. 2. That the limitation heretofore imposed by law on the presentation by officers or soldiers of claims for the loss of horses and equipments in the military services, during the late war is hereby suspended for the period of three years. [August 13, 1888.]

1874, June 23, ch. 395, § 2, *ante*, p. 37. 1883, January 9,

1884, June 3, ch. 63, *ante*, p. 437.
1887, February 3, ch. 92, *ante*, p. 528.
Time extended for filing claims for loss of horses. R. S., §§ 3482, 3489.
ch. 15, *ante*, p. 390.

CHAP. 868.—An act to subdivide the eastern judicial district of Louisiana, and to fix the time and place for holding terms of court therein.

August 18, 1888.

25 Stat. L., 438.

Be it enacted, &c., That all processes from the circuit and district courts for the eastern district of Louisiana against defendants residing in the parishes of Pointe Coupee, West Baton Rouge, Iberville, Ascension, East Feliciana, West Feliciana, East Baton Rouge, Saint Helena, and Livingston, shall be returned to said courts at Baton Rouge, Louisiana, and all processes against defendants residing in the other parishes of the eastern district of Louisiana shall be returned to New Orleans.

Louisiana.
Eastern judicial district subdivided.
R. S., § 531.
1881, Mar. 3, ch. 144, *ante*, p. 325.

SEC. 2. That the terms of court shall be held at New Orleans as now fixed by law. Terms of circuit and district courts shall be held at Baton Rouge semi-annually on the second Mondays of April and November.

Terms of courts at New Orleans and Baton Rouge.
R. S., §§ 572, 658.

SEC. 3. That if there be more than one defendant and they reside in different divisions of the district, the plaintiff may sue in either division, and send duplicate writ or writs to the other defendants; and the said writs, when executed and returned into the court from which they issued, shall constitute one suit and be proceeded in accordingly.

Defendants residing in different divisions.

SEC. 4. That all causes triable in either of the courts of said eastern district shall be tried in the division to which the process is returnable under the provisions of this act, unless by consent of all parties the cause be removed to some other division of said district.

Trials to be in divisions to which process is returnable.

SEC. 5. That all prosecutions for crimes or offenses hereafter committed in either division shall be cognizable within such division:

Criminal prosecutions.

* * Part omitted relates to past offenses. * *

SEC. 6. That all grand and petit jurors summoned for service in each division shall be residents of such division.

Jurors.

SEC. 7. That a deputy clerk of the district court shall be appointed at each place in the two divisions of said eastern 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.

Deputy clerks.

SEC. 8. That causes removed from any court of the State of Louisiana in the circuit court of the United States within said eastern district shall be removed to the circuit court in the division in which such State court is held. [August 13, 1888.]

Removal of cases from State courts in eastern district.

CHAP. 890.—An act to relieve certain appointed or enlisted men of the (1) Navy and Marine Corps from the charge of desertion.

August 14, 1888.

25 Stat. L., 442.

Be it enacted &c., That the charge of desertion now standing on the rolls and records of the Navy or Marine Corps against any appointed or enlisted man of the Navy or Marine Corps who served in the late war may in the discretion of the Secretary of the Navy

Enlisted men in Navy and Marine Corps may have charge of desertion removed in certain cases.

be removed in all cases where it shall be made to appear to the satisfaction of the Secretary of the Navy from such rolls and records or from other satisfactory evidence,

That any such appointed or enlisted man served faithfully until the expiration of his term of enlistment,

Or until the first day of May anno Domini eighteen hundred and sixty-five, having previously served six months or more,

Or was prevented from completing his term of service by reason of wounds received or disease contracted in the line of duty, but who, by reason of absence from his command at the time he became entitled to his discharge, failed to be mustered out and to receive a discharge from the service :

—but not for desertion in face of enemy.

R. S., § 1624, art. 4.

—where man returned to duty after desertion, or died.

Provided, That no such appointed or enlisted man shall be relieved under this section who, not being sick or wounded, left his command, without proper authority, while the same was in presence of the enemy.

SEC. 2. That the Secretary of the Navy is hereby authorized to remove the charge of desertion standing on the rolls or records of the Navy or Marine Corps against any appointed or enlisted man of the Navy or Marine Corps who served in the late war, in all cases where it shall be made to appear, to the satisfaction of the Secretary of the Navy, from such rolls or from other satisfactory evidence,

That such appointed or enlisted man charged with desertion or with absence without leave, after such charge of desertion or absence without leave, and within a reasonable time thereafter, voluntarily returned to and served in the line of his duty until he was mustered out of the service, and received a certificate of discharge therefrom,

Or, while so absent, and before the expiration of his term of enlistment, died from wounds, injury, or disease received or contracted in the service and in the line of duty.

—in case of re-enlistment without proper discharge.

R. S., § 1624, art. 19.

SEC. 3. That the charge of desertion now standing on the rolls or records of the Navy or Marine Corps against any appointed or enlisted man of the Navy or Marine Corps who served in the late war, by reason of his having enlisted at any station or on board of any vessel of the Navy without having first received a discharge from the station or vessel in which he had previously served, shall be removed in all cases wherein it shall be made to appear to the satisfaction of the Secretary of the Navy from such rolls and records, or from other satisfactory testimony, that such re-enlistment was not made for the purpose of securing bounty or other gratuity that he would not have been entitled to, had he remained under his original term of enlistment:

—except desertion in face of the enemy or under arrest.

Provided, That no appointed or enlisted man shall be relieved under this act who, not being sick or wounded, left his command without proper authority while the same was in presence of the enemy, or who, at the time of leaving his command, was in arrest or under charges, or in whose case the period of absence from the service exceeded three months.

Certificates of discharge in case of removal of charge of desertion.

R. S., §§ 1426, 1427.

SEC. 4. That in all cases where the charge of desertion shall be removed under the provisions of this act from the record of any appointed or enlisted man of the Navy or Marine Corps who has not received a certificate of discharge it shall be the duty of the Secretary of the Navy to issue to such appointed or enlisted man, or in case of his death, to his heirs or legal representatives, a certificate of discharge.

Pay and bounty when charge is removed.

SEC. 5. That when the charge of desertion shall be removed under the provisions of this act from the record of any appointed or enlisted man of the Navy or Marine Corps, such man, or, in case of his death, the heirs or legal representatives of such man, shall receive all pay and bounty which may have been withheld on account of such charge of desertion or absence without leave:

Provided, however, That this act shall not be so construed as to give to any such man as may be entitled to relief under the provisions of this act, or, in case of his death, to the heirs or legal representatives of any such man, the right to receive pay and bounty for any period of time during which such man was absent from his command without leave of absence: No pay during absence without leave.

And provided further, That no appointed or enlisted man, nor the heirs or legal representatives of any such man, who served in the Navy or Marine Corps a period of less than six months shall be entitled to the benefit of the provisions of this act: Must have served six months.

And provided further, That all applications for relief under this act shall be made to and filed with the Secretary of the Navy within the period of five years from and after its passage, and all applications not so made and filed within the said term of five years shall be forever barred, and shall not be received or considered. Claims to be filed in five years.

SEC. 6. That all acts and parts of acts inconsistent with the provisions of this act are hereby repealed. [August 14, 1888.] Repeal.

CHAP. 891.—An act to provide for holding terms of the United States district and circuit courts in the State of Nebraska. August 14, 1888.

Be it enacted, &c., That hereafter there shall be held annually in the State of Nebraska a term of the circuit and district courts of the United States for the district of Nebraska at the times and places following: 25 Stat. L., 443.

At Omaha in said State on the second Monday in May and second Monday in November; in Lincoln on the second Monday in January; in Hastings on the second Monday in March and in Norfolk on the second Monday in April and a grand and petit jury may be summoned to serve at each of said terms of court hereby established. Nebraska: Terms of circuit and district courts in. R. S., §§ 572, 658.

SEC. 2. [Relates to pending cases.] [August 14, 1888.]

CHAP. 913.—An act authorizing an increase in pensions in cases of deafness. August 27, 1888.

Be it enacted, &c., That from and after the passage of this act all persons on the pension-rolls of the United States, or who may hereafter be thereon, drawing pensions on account of loss of hearing, shall be entitled to receive, in lieu of the amount now paid in case of such disability, the sum of thirty dollars, in cases of total deafness, and such proportion thereof in cases of partial deafness as the Secretary of the Interior may deem equitable; the amount paid to be determined by the degree of disability existing in each case. [August 27, 1888.] 25 Stat. L., 449.

Pensions for deafness. R. S., § 4698.

CHAP. 914.—An act to provide aid to State or Territorial homes for the support of disabled soldiers and sailors of the United States. August 27, 1888.

Be it enacted, &c., That all States or Territories which have established, or which shall hereafter establish, State homes for disabled soldiers and sailors of the United States who served in the war of the rebellion, or in any previous war, who are disabled by age, disease, or otherwise, and by reason of such disability are incapable of earning a living, provided such disability was not incurred in service against the United States, shall be paid for every such disabled soldier or sailor who may be admitted and cared for in such home at the rate of one hundred dollars per annum. 25 Stat. L., 450.

Aid to State homes for disabled soldiers and sailors. 1875, March 3, ch. 129, par. 6, and note, ante, p. 71. 1889, March 2, ch. 411, par. 6, post, p. 698.

Managers of national home to make rules, &c.
R. S., § 4825.

The number of such persons for whose care any State or Territory shall receive the said payment under this act shall be ascertained by the Board of Managers of the National Home for Disabled Volunteer Soldiers, under such regulations as it may prescribe, but the said State or Territorial homes shall be exclusively under the control of the respective State or Territorial authorities, and the Board of Managers shall not have nor assume any management or control of said State or Territorial homes.

Inspection.

The Board of Managers of the National Home shall, however, have power to have the said State or Territorial homes inspected at such times as it may consider necessary, and shall report the result of such inspections to Congress in its annual report.

Appropriation.

SEC. 2. [*Makes a temporary appropriation.*] [*August 27, 1888.*]

August 27, 1888.

CHAP. 916.—An act to regulate the subdivision of land within the District of Columbia.

25 Stat. L., 451.

District of Columbia.

Platting and subdivision of land.

R. S. of D. C., §§ 477, 478.

1877, March 3, ch. 117, § 16, *ante*, p. 147.

5 Mackey (D. C.) 483.

Streets, avenues, and alleys on plats to become public streets.

Right of way for extension of streets through cemeteries, &c.

Orders of Commissioners under this act to have force of law.

Future subdivisions not to be recorded unless made in conformity with this act.

Be it enacted, &c., That the Commissioners of the District of Columbia be, and they are hereby authorized and directed to make and publish such general orders as may be necessary to regulate the platting and subdividing of all lands and grounds in the District of Columbia; and no such plat of subdivision made in pursuance of such orders shall be admitted to record in the office of the surveyor of said District without an order to that effect indorsed thereon by the Commissioners of said District.

SEC. 2. That all spaces on any duly recorded plat of land thereon designated as streets, avenues, or alleys shall thereupon become public ways, provided they are made in conformity with the provisions of section one of this act, and as such be under the protection of the laws and ordinances in force applicable to public roads out of said city.

SEC. 3. That if by the extension of any of the present streets or avenues, or the opening of any public way, it becomes necessary to traverse any grounds now used as a cemetery, or place of burial, the Commissioners are hereby empowered to secure a right of way through the same by stipulation with the proprietors thereof.

SEC. 4. That the orders of the Commissioners made pursuant to this act shall have the force and effect of law, thirty days subsequent to the day of publication; and all laws and provisions of laws inconsistent herewith are hereby repealed.

SEC. 5. No future subdivision of land in the District of Columbia, without the limits of the cities of Washington and Georgetown, shall be recorded in the surveyors office of the said District unless made in conformity with the general plan of the city of Washington. [*August 27, 1888.*]

September 7, 1888.

CHAP. 991.—An act making appropriations for the naval service for the fiscal year ending June thirtieth, eighteen hundred and eighty-nine, and for other purposes.

25 Stat. L., 458.

Consolidation of Torpedo Station and Naval War College.

Be it enacted, &c., * * Training Station, Coasters' Harbor Island, Rhode Island: * * to enable the naval war college to be conducted at said island up to January first, eighteen hundred and eighty-nine: * * *Provided*, That the Secretary of the Navy is hereby authorized to consolidate and place under one command the torpedo station and the naval war college at Newport, Rhode Island after said date. * * [*September 7, 1888.*]

CHAP. 1027.—An act making appropriations for the support of the Army for the fiscal year ending June thirtieth, eighteen hundred and eighty-nine, and for other purposes.

Sept. 22, 1888.

Be it enacted, &c., * * [Par. 1.] That after advertisement all the supplies for the use of the various departments and posts of the Army shall be purchased where the same can be purchased the cheapest, quality and cost of transportation considered. (1) * *

[Par. 2.] Army transportation: For transportation of the Army, including * * the purchase and hire of draught and pack animals: * * *Provided,* That hereafter no part of this appropriation shall be expended in the purchase for the Army of draught animals until the number on hand shall be reduced to five thousand, and thereafter shall only be expended for the purchase of a number sufficient to keep the supply up to five thousand. * * [September 22, 1888.]

NOTE.—(1) This provision is repeated in the following Army appropriation acts: 1889, Mar. 2, ch. 373, 25 Stat. L., 829; 1890, June 13, ch. 423, 26 Stat. L., 152; 1891, Feb. 24, ch. 384, 26 Stat. L., 775.

25 Stat. L., 481.

Supplies for army to be purchased where cheapest.

R. S., § 3709.

Limit of draught animals to 5,000.

R. S., § 1153.

CHAP. 1028.—An act making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes.

Sept. 22, 1888.

25 Stat. L., 499.

Be it enacted, &c., That the appropriations hereinafter provided for shall be available until expended and shall be expended under the direct supervision of a board to consist of the commanding General of the Army, an officer of Engineers, an officer of Ordnance, and an officer of Artillery, to be selected by the Secretary of War, to be called and known as the Board of Ordnance and Fortification; and said Board shall be under the direction of the Secretary of War and subject to his supervision and control in all respects, and shall have power to provide suitable regulations for the inspection of guns and materials at all stages of manufacture to the extent necessary to protect fully the interests of the United States, and generally to provide such regulations concerning matters within said Board's operations as shall be necessary to carry out to the best advantage all duties committed to its charge: *Provided,* That subject to the foregoing provisions the expenditure shall be made by the several Bureaus of the War Department having jurisdiction of the same under existing law (1). * *

Board of Ordnance and Fortification created.

Permanent appropriations.

1891, Feb. 24, ch. 283, *post*, p. 896.

Duties.

1884, July 5, ch. 235, *ante*, p. 468.

1891, Feb. 24, ch. 283, par. 1, *post*, p. 896.

Expenditures, how made.

SECS. 2-5. [Make appropriations.]

SEC. 6. * * (1) The Board is authorized to make all needful and proper purchases, investigations, experiments, and tests, to ascertain with a view to their utilization by the Government, the most effective guns, including multicharge guns and the conversion of Parrott and other guns on hand, small arms, cartridges, projectiles, fuzes, explosives, torpedoes, armor-plates, and other implements and engines of war; and the Secretary of War is hereby authorized to purchase or cause to be manufactured, such guns, carriages, armor-plates, and other war materials and articles as may, in the judgment of said Board, be necessary in the proper discharge of the duty herein devolved upon them:

Investigations by the board.

Provided, That the amount expended and liabilities incurred in such purchases, investigations, experiments, and tests shall not exceed five hundred thousand dollars which sum is hereby appropriated: (1) * *

Limit of expenses.

1875, March 3, ch. 130, par. 11, *ante*, p. 74.

Maximum expenditure.

That under the provisions of this section there shall not be expended or contract or contracts entered into involving the Government in an aggregate expenditure exceeding six million five hundred thousand dollars, nor an expenditure on the part of the Government in any one fiscal year in excess of two million dollars,

NOTE.—(1) The parts of the act not inserted make appropriation or are temporary.

American guns and materials to be purchased.

Per diem to members of board away from station.

And all guns and materials purchased under authority of this section shall be of American production and furnished by citizens of the United States. * *

For payment of the necessary expenses of the Board including a per diem allowance to each member thereof when employed on duty away from his permanent station, of two and one-half dollars a day, five thousand dollars, or so much thereof as may be necessary. [September 22, 1888.]

Sept. 26, 1888.

25 Stat. L., 491.

Detail of officers of Army and Navy to educational institutions.

Substitute for R. S., § 1225, as amended by 1884, July 5, ch. 217 (23 Stat. L., 106).

Limit of number.

How apportioned through U. S.

1862, July 2, ch. 130 (12 Stat. L., 508).

Secretary of War may issue ordnance stores to such institutions.

Detail of engineer officers of Navy as professors in scientific schools.

1879, Feb. 26, ch. 105, ante, p. 221.

Colleges, &c., to which retired officers of Army are assigned to have issues of ordnance stores.

R. S., § 1260.

Repeal of R. S., § 1235, as amended by 1884, July 5, ch. 217 (23 Stat. L., 108).

CHAP. 1037.—An act to amend section twelve hundred and twenty-five of the Revised Statutes, concerning details of officers of the Army and Navy to educational institutions, and so forth.

Be it enacted, &c., That section twelve hundred and twenty-five of the Revised Statutes of the United States, as amended by an act of Congress approved July fifth, eighteen hundred and eighty-four, be, and the same is hereby, further amended, so as to read as follows :

“SEC. 1225. The President may, upon the application of any established military institute, seminary or academy, 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 or Navy to act as superintendent, or professor thereof ;

But the number of officers so detailed shall not exceed (1) fifty from the Army, and ten from the Navy, being a maximum of sixty, at any time,

And they shall be apportioned throughout the United States, first, to those State institutions applying for such detail that are required to provide instruction in military tactics under the provisions of the act of Congress of July second, eighteen hundred and sixty-two, donating lands for the establishment of colleges where the leading object shall be the practical instruction of the industrial classes in agriculture and the mechanic arts, including military tactics ; and after that, said details to be distributed, as nearly as may be practicable, according to population.

The Secretary of War is authorized to issue, at his discretion and under proper regulations to be prescribed by him, out of ordnance and ordnance stores 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”:

Provided, That nothing in this act shall be so construed as to prevent the detail of officers of the Engineer Corps of the Navy as professors in scientific schools or colleges as now provided by act of Congress approved February twenty-sixth, eighteen hundred and seventy-nine, entitled “An act to promote a knowledge of steam-engineering and iron-ship building among the students of scientific schools or colleges in the United States;

“And the Secretary of War is hereby authorized to issue ordnance and ordnance stores belonging to the Government on the terms and conditions hereinbefore provided to any college or university at which a retired officer of the Army may be assigned as provided by section twelve hundred and sixty of the Revised Statutes.

SEC. 2. That the said section twelve hundred and twenty-five of the Revised Statutes of the United States, as amended by the said act of Congress approved July fifth, eighteen hundred and eighty-four, and all acts and parts of acts inconsistent or in conflict with the provisions of this act, be, and the same are hereby repealed, saving always, however, all acts and things done under the said amended section as heretofore existing. [September 26, 1888.]

NOTE.—(1) Increased to seventy-five by 1891, Jan. 13, ch. 70, post, p. 887.

CHAP. 1039 — An act amendatory of "An act relating to postal crimes and amendatory of the statutes therein mentioned," approved June eighteenth, eighteen hundred and eighty-eight, and for other purposes.

Sept. 26, 1888.

25 Stat. L., 496.

Be it enacted, &c., That the last clause of the second section of "An act relating to postal crimes, and amendatory of the statutes therein mentioned," approved June eighteenth, eighteen hundred and eighty-eight be, and the same is hereby, so amended as to read as follows, and constitute the third section of said act :

"SEC. 3. That all matter otherwise mailable by law, upon the envelope or outside cover or wrapper of which, or any postal-card upon which, any delineations, epithets, terms, or language of an indecent, lewd, lascivious, obscene, libelous, scurrilous, defamatory, or threatening character, or calculated by the terms or manner or style of display and obviously intended to reflect injuriously upon the character or conduct of another may be written or printed, or otherwise impressed or apparent, are hereby declared non-mailable matter, and shall not be conveyed in the mails, nor delivered from any post-office nor by any letter-carrier, and shall be withdrawn from the mails under such regulations as the Postmaster-General shall prescribe;

And any person who shall knowingly deposit, or cause to be deposited, for mailing or delivery, anything declared by this section to be non-mailable matter, and any person who shall knowingly take the same or cause the same to be taken from the mails, for the purpose of circulating or disposing of, or of aiding in the circulation or disposition of the same, shall, for each and every offense, upon conviction thereof, be fined not more than five thousand dollars, or imprisoned at hard labor not more than five years, or both, at the discretion of the court."

SEC. 2. That section thirty-eight hundred and ninety-three of the Revised Statutes, as amended by the act of July twelfth, eighteen hundred and seventy-six, is hereby so amended as to read as follows:

"SEC. 3893. Every obscene, lewd, or lascivious book, pamphlet, picture, paper, letter, writing, print, or other publication of an indecent character, and every article or thing designed or intended for the prevention of conception or procuring of abortion, and every article or thing intended or adapted for any indecent or immoral use, and every written or printed card, letter, circular, book, pamphlet, advertisement or notice of any kind giving information, directly or indirectly, where or how, or of whom, or by what means any of the hereinbefore mentioned matters, articles, or things may be obtained or made, whether sealed as first-class matter or not, are hereby declared to be non-mailable matter, and shall not be conveyed in the mails nor delivered from any post-office nor by any letter-carrier;

And any person who shall knowingly deposit, or cause to be deposited, for mailing or delivery, anything declared by this section to be non-mailable matter, and any person who shall knowingly take the same, or cause the same to be taken, from the mails for the purpose of circulating or disposing of, or of aiding in the circulation or disposition of the same, shall, for each and every offense, be fined upon conviction thereof not more than five thousand dollars, or imprisoned at hard labor not more than five years, or both, at the discretion of the court.

And all offenses committed under the section of which this is amendatory, prior to the approval of this act, may be prosecuted and punished under the same in the same manner and with the same effect as if this act had not been passed :

Provided, That nothing in this act shall authorize any person to open any letter or sealed matter of the first-class not addressed to himself." [September 26, 1888.]

Postal crimes.
Substitute for
1888, June 18,
ch. 394, § 2 *in part*,
ante, p. 593, and
25 Stat. L., 188.

Matter unmailable with indecent, libelous, &c., delineations or language impressed or apparent on wrapper.

Punishment for mailing or taking from mails to circulate.

Obscene, &c., matter non-mailable.

Substitute for
R. S., § 3893, as
amended by 1876,
July 12, ch. 186 (19
Stat. L., 90).
19 Opins. 667.

Punishment for mailing or taking from mails to circulate.

First-class matter not to be opened except by person addressed.

October 1, 1888.

25 Stat. L., 498.

Missouri judicial districts.

Substitute for 1888, May 21, ch. 208 (25 Stat. L., 153).

Audrain county attached to central division, western judicial district.

1887, Feb. 28, ch. 271, §§ 1, 2, and notes, *ante*, pp. 543, 544.**CHAP. 1056.**—An act to amend an act to detach the county of Audrain, in the State of Missouri, from the eastern and attach it to the western judicial district of said State.*Be it enacted, &c.*, That an act entitled "An act to detach the county of Audrain, in the State of Missouri, from the eastern and attach it to the western judicial district of Missouri," approved May twenty-first, eighteen hundred and eighty-eight, be so amended as to read as follows:

"That the county of Audrain, in the State of Missouri, be detached from the northern division of the eastern judicial district of Missouri and attached to the central division of the western judicial district of the State of Missouri."

SEC. 2. [*Relates to pending cases and past offenses.*] [October 1, 1888.]

October 1, 1888.

25 Stat. L., 500.

Nantucket island life station.

R. S., §§ 4242-4249.

1878, June 18, ch. 265, and note, *ante*, p. 190.**CHAP. 1060.**—An act providing for the establishment of an additional life-saving station on Nantucket Island, Massachusetts.*Be it enacted, &c.*, That the Secretary of the Treasury is hereby authorized to establish an additional life-saving station at such point on Nantucket Island, Massachusetts, as the General Superintendent of the Life-Saving Service may recommend. [October 1, 1888.]

October 1, 1888.

25 Stat. L., 501.

Boards of arbitration to adjust differences between railroads, or other transportation companies and their employees.

1887, Feb. 4, ch. 104, *ante*, p. 529.1888, June 13, ch. 389, § 7, and note (1), *ante*, pp. 590, 591.**CHAP. 1063.**—An act to create boards of arbitration or commission for settling controversies and differences between railroad corporations and other common carriers engaged in interstate and Territorial transportation of property or passengers and their employees.*Be it enacted, &c.*, That whenever differences or controversies arise between railroad or other transportation companies engaged in the transportation of property or passengers between two or more States of the United States, between a Territory and State, within the Territories of the United States, or within the District of Columbia, and the employees of said railroad companies, which differences or controversies may hinder, impede, obstruct, interrupt, or affect such transportation of property or passengers, if, upon the written proposition of either party to the controversy to submit their differences to arbitration, the other party shall accept the proposition, then and in such event the railroad company is hereby authorized to select and appoint one person, and such employee or employees, as the case may be, to select and appoint another person, and the two persons thus selected and appointed to select a third person, all three of whom shall be citizens of the United States and wholly impartial and disinterested in respect to such differences or controversies; and the three persons thus selected and appointed shall be, and they are hereby, created and constituted a board of arbitration, with the duties, powers, and privileges hereinafter set forth.**SEC. 2.** That the board of arbitration provided for in the first section of this act shall possess all the powers and authority in respect to administering oaths, subpoenaing witnesses and compelling their attendance, preserving order during the sittings of the board, and requiring the production of papers and writings relating alone to the subject under investigation now possessed and belonging to United States commissioners appointed by the circuit court of the United States;

But in no case shall any witness be compelled to disclose the secrets or produce the records or proceedings of any labor organization of which he may be an officer or member;

And said board of arbitration may appoint a clerk and employ a stenographer, and prescribe all reasonable rules and regulations, not

— may administer oaths, summon witnesses, &c.

Privileges of witnesses.

Clerk and stenographer.

inconsistent with the provisions of this act, looking to the speedy advancement of the differences and controversies submitted to them to a conclusion and determination.

Each of said arbitrators shall take an oath to honestly, fairly, and faithfully perform his duties, and that he is not personally interested in the subject-matter in controversy, which oath may be administered by any State or Territorial officer authorized to administer oaths.

Oath of arbitrators.

The third person so selected and appointed as aforesaid shall be the president of said board; and any order, finding, conclusion, or award made by a majority of such arbitrators shall be of the same force and effect as if all three of such arbitrators concurred therein or united in making the same.

President of board, award of majority.

SEC. 3. That it shall be the duty of said board of arbitration, immediately upon their selection, to organize at the nearest practicable point to the place of the origin of the difficulty or controversy, and to hear and determine the matters of difference which may be submitted to them in writing by all the parties, giving them full opportunity to be heard on oath, in person and by witnesses, and also granting them the right to be represented by counsel;

Organization.

And after concluding its investigation said board shall publicly announce its decision, which, with the findings of fact upon which it is based, shall be reduced to writing and signed by the arbitrators concurring therein, and, together with the testimony taken in the case, shall be filed with the Commissioner of Labor of the United States, who shall make such decision public as soon as the same shall have been received by him.

Decisions to be publicly announced and filed with Commissioner of Labor.
1888, June 13, ch. 389, ante, p. 590.

SEC. 4. That it shall be the right of any employees engaged in the controversy to appoint, by designation in writing, one or more persons to act for them in the selection of an arbitrator to represent them upon the board of arbitration.

Selections of arbitrator by employees.

SEC. 5. That each member of said tribunal of arbitration shall receive a compensation of ten dollars a day for the time actually employed.

Compensation of board.

That the clerk appointed by said tribunal of arbitration shall receive the same fees and compensation as clerks of United States circuit courts and district courts receive for like services.

Clerk.
R. S., § 828.

That the stenographer shall receive as full compensation for his services ten cents for each folio of an hundred words of testimony taken and reduced to writing before said arbitrators.

Stenographer.

That United States marshals or other persons serving the process of said tribunal of arbitration shall receive the same fees and compensation for such services as they would receive for like services upon process issued by United States commissioners.

Marshals.
R. S., § 829.

That witnesses attending before said tribunal of arbitration shall receive the same fees as witnesses attending before United States commissioners.

Witnesses' fees.
R. S., § 848.

That all of said fees and compensation shall be payable by the United States in like manner as fees and compensation are payable in criminal causes under existing laws:

Fees, how payable.
R. S., §§ 846, 855, 856.

Provided, That the said tribunal of arbitration shall have power to limit the number of witnesses in each case where fees shall be paid by the United States.

Limit of number of witnesses.

And provided further, That the fees and compensation of the arbitrators, clerks, stenographers, marshals, and others for service of process, and witnesses under this act shall be examined and certified by the United States district judge of the district in which the arbitration is held before they are presented to the accounting officers of the Treasury Department for settlement, and shall then be subject to the provisions of section eight hundred and forty-six of the Revised Statutes of the United States; and a sufficient sum of money to pay all expenses under this act and to carry the same into

Fee accounts, examination and payment subject to provisions of R. S., § 846.

effect is hereby appropriated out of any money in the Treasury not otherwise appropriated.

Maximum of cost of single investigation.

And provided likewise not more than five thousand dollars shall be expended in defraying the costs of any single investigation by the commission hereinafter provided for.

Appointment of temporary commissioners by President, report to Congress.

1888, June 13, ch. 389, §§ 1, 7, ante, pp. 590, 591.

SEC. 6. That the President may select two commissioners, one of whom at least shall be a resident of the State or Territory in which the controversy arises, who, together with the Commissioner of Labor, shall constitute a temporary commission for the purpose of examining the causes of the controversy, the conditions accompanying, and the best means for adjusting it; the result of which examination shall be immediately reported to the President and Congress, and on the rendering of such report the services of the two commissioners shall cease.

When President may tender services of commission.

The services of the commission, to be ordered at the time by the President and constituted as herein provided, may be tendered by the President for the purpose of settling a controversy such as contemplated, either upon his own motion, or upon the application of one of the parties to the controversy, or upon the application of the executive of a State.

Compensation and expenses of commissioners.

SEC. 7. That the commissioners provided in the preceding section shall be entitled to receive ten dollars each per day for each day's service rendered, and the expenses absolutely incurred in the performance of their duties; and the expenses of the Commissioner of Labor, acting as one of the commission, shall also be reimbursed to him. Such compensation and expenses shall be paid by the Treasurer of the United States, on proper vouchers, certified to by the Commissioner of Labor and approved by the Secretary of the Interior.

Investigation of causes of disputes.

SEC. 8. That upon the direction of the President, as hereinbefore provided, the commission shall visit the locality of the pending dispute, and shall have all the powers and authority given in Section 2, to a board of arbitration, and shall make careful inquiry into the cause thereof, hear all persons interested therein who may come before it, advise the respective parties what, if anything, ought to be done or submitted to by either or both to adjust such dispute, and make a written decision thereof.

Decision to be made public and recorded, &c.

This decision shall at once be made public, shall be recorded upon proper books of record to be kept in the office of the Commissioner of Labor, who shall cause a copy thereof to be filed with the Secretary of the State or Territory, or States or Territories, in which the controversy exists.

Oath of commissioners.

SEC. 9. That in each case the commissioners who may be selected as provided shall, before entering upon their duties, be sworn to the faithful discharge thereof.

Chairman, clerks, &c.

The Commissioner of Labor shall be chairman ex officio of the commission, and may appoint one or more clerks or stenographers to act in each controversy only, which clerks or stenographers shall be compensated at a rate not exceeding six dollars per day each, and actual expenses incurred shall be reimbursed.

Rules of procedure.

SEC. 10. The Commissioner of Labor shall, as soon as possible after the passage of this act, establish such rules of procedure as shall be approved by the President; but the commission shall permit each party to a controversy to appear in person or by counsel, and to examine and cross-examine witnesses.

Proceedings to be public.

All its proceedings shall be transacted in public, except when in consultation for the purpose of deciding upon the evidence and arguments laid before it.

Chairman may administer oaths.

The chairman of the commission is hereby authorized to administer oaths to witnesses in all investigations conducted by the commission, and such witnesses shall be subpoenaed in the same manner as witnesses are subpoenaed to appear before United States courts

and commissioners, and they shall each receive the same fees as witnesses attending before United States commissioners:

Provided, That said temporary board of commissioners shall have power to limit the number of witnesses in each case where fees shall be paid by the United States. Number of witnesses.

SEC. 11. All fees, expenses, and compensation of this commission shall be paid as hereinbefore provided in section five of this act. Expenses, how paid.
[October 1, 1888.]

CHAP. 1064.—An act a supplement to an act entitled "An act to execute certain treaty stipulations relating to Chinese," approved the sixth day of May eighteen hundred and eighty-two. (1)

October 1, 1888.

25 Stat. L., 504.

Be it enacted, &c., That from and after the passage of this act, it shall be unlawful for any chinese laborer who shall at any time heretofore have been, or who may now or hereafter be, a resident within the United States, and who shall have departed, or shall depart, therefrom, and shall not have returned before the passage of this act, to return to, or remain in, the United States.

Chinese laborers, who formerly resided here and left, not allowed to return.

19 Opins., 369.

130 U. S., 581.

140 U. S., 424.

No more certificates for return to be issued.

SEC. 2. That no certificates of identity provided for in the fourth and fifth sections of the act to which this is a supplement shall hereafter be issued; and every certificate heretofore issued in pursuance thereof, is hereby declared void and of no effect, and the chinese laborer claiming admission by virtue thereof shall not be permitted to enter the United States.

SEC. 3. That all the duties prescribed, liabilities penalties and forfeitures imposed, and the powers conferred by the second, tenth, eleventh, and twelfth, sections of the act to which this is a supplement are hereby extended and made applicable to the provisions of this act. Penalties.

SEC. 4. That all such part or parts of the act to which this is a supplement as are inconsistent herewith are hereby repealed. Repeal.
[October 1, 1888.]

NOTE.—(1) By treaty with China of July 28, 1868, Art. v and vi, 16 Stat. L., 739, it was agreed that laws should be passed by the United States making it penal for United States citizens to transport Chinese subjects to the United States or elsewhere without their consent. It was also agreed that Chinese subjects visiting or residing in the United States should enjoy the privileges of the most favored nation in respect to travel or residence.

By R. S., §§ 2158-2163, the "coolie" trade by citizens of the United States or in vessels of the United States was forbidden, but citizens and vessels were permitted to engage in the voluntary emigration of Chinese.

By 1875, Mar. 3, ch. 141, *ante*, p. 86, the importation of Chinese and others for immoral purposes was forbidden, the punishment for engaging in the "coolie" trade was made more severe, contracts for service in the United States were declared void, and the importation of women for prostitution was made a crime.

By treaty of 1880, Nov. 17, 22 Stat. L., 826, it was provided that the United States might regulate, limit or suspend the coming or residence of Chinese laborers, but should not prohibit it, and that other Chinese, as well as Chinese laborers now in the United States, should be allowed to come and go freely and have all the privileges of the most favored nation. The act of 1882, May 6, ch. 136, *ante*, p. 343, suspended the coming of Chinese laborers for ten years, and to carry out the treaty stipulations, provided for the issuance of identification certificates to enable laborers already in the United States to go and return and for passports to other Chinese, not laborers, desiring to visit the United States. By 1884, July 5, ch. 220, *ante*, p. 458, the provisions of the act of 1882 were made more definite and strict.

By act of 1888, Sept. 13, ch. 1015, § 1, 25 Stat. L., 476, it was provided as follows:

"That from and after the date of the exchange of ratifications of the pending treaty between the United States of America and His Imperial Majesty the Emperor of China, signed on the twelfth day of March, anno Domini eighteen hundred and eighty-eight, it shall be unlawful for any Chinese person, whether a subject of China or of any other power, to enter the United States, except as hereinafter provided." Subsequent sections defined the exceptions and made provision for carrying the act into effect.

The ratifications of the then pending treaty referred to in this act, had not been exchanged, when the act of 1888, Oct. 1, ch. 1064, above, was passed, making void the certificates of identity already issued under the acts of 1882 and 1884. The ratifications of the treaty were never thereafter exchanged and the act of 1888, Sept. 13, never went into effect.

October 2, 1888.

25 Stat. L., 505.

Detailed estimates of Revenue-Cutter Service to be submitted.

R. S., §§ 2747-2765.

1889, Mar. 2, ch. 410, par. 1, *post*, p. 697.

Minor coins may be transferred to Philadelphia mint.

R. S., § 3515.

Transfer to Nebraska and Iowa of records of land surveys.

R. S., § 2318.

Office of surveyor-general abolished.

R. S., § 2307.

Safe keeping of, and access to, records.

R. S., § 2231.

Irrigation in arid region; investigation by Geological Survey.

1879, March 3, ch. 182, par. 10, *ante*, p. 251.

1889, March 2, ch. 411, par. 4, *post*, p. 698.

Reservoir and canal sites, and lands made susceptible of irrigation reserved.

1890, Aug. 30, ch. 837, par. 3, *post*, p. 791.

19 Opins. 564.

May be opened to homestead settlement.

R. S., § 2289.

Detailed statement of expenditures by Smithsonian Institution.

R. S., § 5579.

CHAP. 1069.—An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and eighty-nine, and for other purposes.

Be it enacted, &c., * * [Par. 1.] That the Secretary of the Treasury shall submit to Congress at its next session a detailed statement of the expenditures for the fiscal year eighteen hundred and eighty-eight under the appropriation for the (1) Revenue-Cutter Service, and annually thereafter a detailed statement of expenditures under said appropriation shall be submitted to Congress at the beginning of each regular session thereof. * *

[Par. 2.] (2) The Secretary of the Treasury is authorized to transfer to the United States Mint at Philadelphia, for cleaning and reissue, any minor coins now in or which may be hereafter received at the subtreasury offices in excess of the requirement for the current business of said offices. * *

[Par. 3.] That the Secretary of the Interior be, and is hereby, authorized to transfer to the Secretary of state of the States of Nebraska and Iowa, or to such officers as may be entitled to receive them, the field-notes, maps, records, and other papers appertaining to land surveys in said States which are now stored in the district land-office at Lincoln, Nebraska; and the office of surveyor-general for the district of Nebraska and Iowa is hereby abolished:

Provided, That the aforesaid field-notes, maps, records, and other papers pertaining to the State of Nebraska shall not be delivered to the proper authorities until said State shall have provided by law for the safe keeping of the same as public records, and for the allowance of free access to field-notes, maps, records, and other papers by the authorities of the United States, as provided by section twenty-two hundred and twenty-one of the Revised Statutes of the United States, the State of Iowa having heretofore enacted the requisite legislation. * *

[Par. 4.] For the purpose of investigating the extent to which the arid region of the United States can be redeemed by irrigation, and the segregation of the irrigable lands in such arid region, and for the selection of sites for reservoirs and other hydraulic works necessary for the storage and utilization of water for irrigation and the prevention of floods and overflows, * * the work to be performed by the Geological Survey, under the direction of the Secretary of the Interior. * * And all the lands which may hereafter be designated or selected by such United States surveys for sites for reservoirs, ditches or canals for irrigation purposes and all the lands made susceptible of irrigation by such reservoirs, ditches or canals (3) are from this time henceforth hereby reserved from sale as the property of the United States, and shall not be subject after the passage of this act, to entry, settlement or occupation until further provided by law:

Provided, That the President may at any time in his discretion, by proclamation, open any portion or all of the lands reserved by this provision to settlement under the homestead laws. * *

[Par. 5.] That the Secretary of the Smithsonian Institution shall submit to Congress at its next session a detailed statement of the expenditures of the fiscal year eighteen hundred and eighty-eight, under appropriations for "International Exchanges," "North American Ethnology," and the "National Museum," and annually there-

NOTE.—(1) Acts relating to the Revenue Cutter or Revenue Marine Service, beside R. S., §§ 2747-2765, 4843, are as follows: Appointment of cadets, 1876, July 31, ch. 246, par. 3, *ante*, p. 114; detail of officers to life-saving service, 1878, June 18, ch. 265, § 9, *ante*, p. 192; revenue cutters exclusively for public service, 1884, July 7, ch. 332, par. 2, *ante*, p. 469; detail of officers and men for Fish Commission duty, 1885, March 3, ch. 360, par. 1, *ante*, p. 486; report of expenditures above; estimate, 1889, March 2, ch. 410, par. 1, *post*, p. 697.

(2) This provision is repeated in 1889, Mar. 2, ch. 411, 25 Stat. L., 955; 1890, Aug. 30, ch. 837; 1891, Mar. 3, ch. 542; 26 Stat. L., 385, 966.

(3) This reservation of lands is repealed, with exceptions, in 1890, Aug. 30, ch. 837, par. 3, *post*, p. 791.

after a detailed statement of expenditures under said appropriations shall be submitted to Congress at the beginning of each regular session thereof. * *

[Par. 6.] That hereafter it shall be the duty of the Interstate Commerce Commission to include in their annual report to Congress a statement showing in detail their expenditures for each fiscal year, including the number of persons employed and the amount of compensation to each. * *

Detailed statement of expenditures and employes by Interstate Commerce Commission.

1887, Feb. 4, ch. 104, § 11, *ante*, p. 531. 1889, Mar. 2, ch. 332, § 7; ch. 411, par. 3; *post*, pp. 690, 698.

[Par. 7.] Hereafter the provisions of section thirty-six hundred and ninety and thirty-six hundred and ninety-one of the Revised Statutes of the United States shall apply to all appropriations made for the maintenance of the (4) National Home for Disabled Volunteer Soldiers:

National Soldiers' Homes, balances to be carried to surplus fund.

R. S., §§ 3690, 3691.

Provided further, That it shall be the duty of the managers of said Home, on or before the first day of October in each year, to furnish to the Secretary of War estimates, in detail, for the support of said Home for the fiscal year commencing on the first day of July thereafter, and the Secretary of War shall annually include such estimates in his estimates for his Department. * *

—managers of, to furnish estimates to Secretary of War annually.

1887, March 3, ch. 362, par. 7, *ante*, p. 563.

[Par. 8.] Hereafter no payment shall be made from the contingent fund of the Senate unless sanctioned by the Committee to Audit and Control the Contingent Expenses of the Senate, or from the contingent fund of the House of Representatives unless sanctioned by the Committee on Accounts of the House of Representatives.

Payments from contingent fund of Senate and House of Representatives, how sanctioned.

R. S., § 76.

—when conclusive.

R. S., § 236.

And hereafter payments made upon vouchers approved by the aforesaid respective committees shall be deemed, held, and taken, and are hereby declared to be conclusive upon all the departments and officers of the Government:

Provided, That no payment shall be made from said contingent funds as additional salary or compensation to any officer or employe of the Senate or House of Representatives. * * [October 2, 1888.]

No additional salaries.

R. S., § 1765.

NOTE.—(4) See acts relating to Soldiers' Homes, note to 1875, March 3, ch. 120, par. 6, *ante*, p. 71.

CHAP. 1090.—An act to prevent the manufacture or sale of adulterated food or (1) drugs in the District of Columbia.

October 12, 1888.

25 Stat. L., 549.

Be it enacted, &c., That no person within the District of Columbia shall mix, color, stain, or powder, or order or permit any other person to mix, color, stain, or powder any article of food or drugs with any ingredient or material so as to render the article injurious to health, or manufacture any article of food which shall be composed in whole or in part of diseased, decomposed, offensive, or unclean animal or vegetable substance with the intent that the same may be sold in the said District, and no person shall sell in the District of Columbia any such article so mixed, colored, stained, powdered or manufactured.

District of Columbia.

Adulterating food or drugs, and manufacturing food of diseased or unclean substances, prohibited.

1880, April 24, Res. No. 25, § 2, *ante*, pp. 304, 307.

Penalty.

Any person violating this section shall be guilty of a misdemeanor, and for each offense be fined not exceeding two hundred dollars for the first offense, and for each subsequent offense not exceeding three hundred dollars, or imprisonment not exceeding one year, or both, in the discretion of the court.

SEC. 2. That no person shall, within the District of Columbia, except for the purpose of compounding as hereinafter described, mix, color, stain, or powder, or order or permit any other person to mix, color, stain, or powder, any drug with any ingredient or material so as to effect injuriously the quality or potency of such drug, with

Adulteration of drugs, affecting potency or quality, and sale, prohibited.

NOTE.—(1) See 1878, June 15, ch. 215, *ante*, p. 183, regulating practice of pharmacy in District of Columbia.

intent that the same may be sold in the said District of Columbia, and no person shall sell any such drug so mixed, colored, stained, or powdered under the same penalty in each case respectively as in the preceding section for a first and subsequent offense.

Sale by innocent parties.

SEC. 3. That no person shall be liable to be convicted under either of the two last foregoing sections of this act in respect of the sale of any article of food, or of any drug, if he shows to the satisfaction of the court before whom he is charged that he did not know of the article of food or drug sold by him being so mixed, colored, stained, or powdered, as in either of those sections mentioned, and that he could not, with reasonable diligence, have obtained that knowledge.

Articles of food or drug to be of nature and quality demanded by purchasers.

1878, June 15, ch. 215, § 9, *ante*, p. 185.

1879, Jan. 25, ch. 22, *ante*, p. 207.

No offense when non-injurious necessary ingredients are used.

SEC. 4. That no person shall sell in the District of Columbia any article of food or drug which is not of the nature, substance, and quality of the article demanded by any purchaser, and any person violating this section shall be guilty of a misdemeanor, and for the first offense be fined not exceeding fifty dollars, and for each subsequent offense not exceeding one hundred dollars, or imprisonment not exceeding six months, or both, in the discretion of the court:

Provided, That an offense shall not be deemed to be committed under this section in the following cases, that is to say:

First. Where any matter or ingredient not injurious to health has been added to the food or drug because the same is required for the production or preparation thereof as an article of commerce, in a state fit for carriage or consumption, and not fraudulently to increase the bulk, weight, or measure of the food or drug, or conceal the inferior quality thereof.

Second. Where the drug or food is a proprietary medicine.

—in case of proprietary medicine.
—when authorized compound.

Third. Where the food or drug is compounded as authorized by this act.

—when unavoidably mixed.

Fourth. Where the food or drug is unavoidably mixed with some extraneous matter in the process of collection or preparation.

Sale of compounds to be as demanded by purchaser.

SEC. 5. That no person shall sell in the District of Columbia any compound article of food or compounded drug which is not composed of ingredients in accordance with the demand of the purchaser.

Penalty.

Any person violating this section shall be guilty of a misdemeanor and fined not exceeding fifty dollars:

When not to constitute an offense.

Provided, That no person shall be guilty of any such offense as aforesaid in respect of the sale of an article of food or a drug mixed with any matter or ingredient not injurious to health, and not intended, fraudulently, to increase its bulk, weight, or measure, or conceal its inferior quality, if at the time of delivering such article or drug he shall supply to the person receiving the same a notice, by a label, distinctly and legibly written or printed on or with the article or drug, to the effect that the same is mixed.

Altering articles of food injuriously.

SEC. 6. That no person shall, in the District of Columbia, with the intent that the same may be sold in its altered state without notice, subtract from any article of food any part of it so as to affect injuriously its quality, substance, or nature, and no person shall sell any article so altered without making disclosure of the alteration, and any person violating the provisions of this section shall be guilty of a misdemeanor and fined not exceeding one hundred dollars.

Burden of proof as to exception under act to be on defendant.

SEC. 7. That in any prosecution under this act, where the fact of an article having been sold in a mixed state has been proved, if the defendant shall desire to rely upon proviso contained in this act, it shall be incumbent upon him to prove the same.

Purchase of articles with written warranty, when may be a defense.

SEC. 8. That if the defendant in any prosecution under this act prove to the satisfaction of the court that he had purchased the article in question as the same in nature, substance, and quality as that demanded of him by the purchaser, and with a written warranty to that effect; that he had no reason to believe at the time when he sold it that the article was otherwise; and that he sold it in the

same state as when he purchased it, he shall be discharged from the prosecution.

SEC. 9. That any person who shall forge, or shall alter knowing it to be forged, any certificate or any writing purporting to contain a warranty, as provided in section eight of this act, shall be guilty of a misdemeanor and be punishable, on conviction, by imprisonment for a term not exceeding one year with hard labor.

Forging, &c.,
warranty.

SEC. 10. That every person who shall willfully apply to any article of food or a drug a certificate or warranty given in relation to any other article or drug, or who shall give a false warranty in writing to any purchaser in respect of an article of food or a drug sold by him as principal or agent, or who shall willfully give a label with any article sold by him which shall falsely describe the article sold shall be guilty of a misdemeanor, and on conviction be fined not to exceed one hundred dollars.

Applying false
warranty, label,
&c.

SEC. 11. That the analysis provided for in this act, shall be under the control of the Commissioner of Internal Revenue under such rules and regulations as may be prescribed by the Secretary of the Treasury.

Analysis to be
under control of
Com. of Internal
Revenue, &c.

SEC. 12. That any purchaser of an article of food or of a drug in the said District shall be entitled to have such article analyzed by such analyst, and to receive from him a certificate of the result of his analysis.

R. S., § 319.
Purchaser may
have article an-
alyzed.

And any health officer, inspector of nuisances, or any food inspector may procure any sample of food or drug, and if he suspects the same to have been sold to him contrary to any provision of this act he shall submit the same to the Commissioner of Internal Revenue to be analyzed who shall with all convenient speed cause such analysis to be made and give a certificate to such officer, wherein he shall specify the result of the analysis.

Health officer to
submit suspected
articles for analy-
sis.

1878, June 11,
ch. 180, §§ 8, 9,
ante, p. 179.

SEC. 13. That if any officer mentioned in section twelve of this act shall apply to purchase any article of food or any drug exposed to sale or on sale by retail on any premises or in any shop or store, and shall tender the price for the quantity which he shall require for the purpose of analysis, not being more than shall be reasonably requisite, and the person exposing the same for sale shall refuse to sell the same to such officer, such person shall be guilty of a misdemeanor and fined for each offense not exceeding fifty dollars.

Refusal to sell to
health officer, &c.,
how punished.

SEC. 14. That the term "food," as used in this act, shall include every article used for food or drink by man other than drugs or water. The term "drug," as used in this act, shall include all medicines for internal or external use.

Definitions of
food and drug as
used in act.

SEC. 15. That nothing in this act shall be construed as modifying or repealing the provisions of chapter eight hundred and forty of the acts of the first session of the Forty-ninth Congress, entitled, "An act defining butter; also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August sixth, eighteen hundred and eighty-six.

Oleomargarine
act not affected.
1886, Aug. 6, ch.
840, *ante*, p. 505.

SEC. 16. That the Commissioner of Internal Revenue may, from time to time declare certain articles or preparations to be exempt from the provisions of this act; and it shall be the duty of the Commissioners of the District to prepare and publish from time to time a list of the articles, mixtures, or compounds declared to be exempt from the provisions of this act, in accordance with this section.

List of articles
exempt to be de-
clared and pub-
lished by Commis-
sioner of Internal
Revenue.

[October 12, 1888.]

October 12, 1888. CHAP. 1092.—An act to make enlisted men of the Signal Corps responsible for public property.

25 Stat. L., 552.
Signal Corps.
Officers and men
to make returns
of stores in their
custody.

R. S., §§ 1195-
1197.

1890, Oct. 1, ch.
1266, §§ 2, 8, post,
pp. 879, 880.

Rules and regula-
tions for Signal
Bureau to be made
and enforced.

Be it enacted, &c., That, from and after the passage of this act, every officer of the Signal Corps, every non-commissioned officer or private of the Signal Corps, and all other officers, agents, or persons who now have in possession, or may hereafter receive or may be intrusted with any stores or supplies, shall, quarterly or more often, if so directed, and in such manner and on such forms as may be prescribed by the Chief Signal Officer, make true and correct returns to the Chief Signal Officer of all Signal Service property and all other supplies and stores of every kind received by or intrusted to them and each of them, or which may, in any manner, come into their and each of their possession or charge.

The Chief Signal Officer, subject to the approval of the Secretary of War, is hereby authorized and directed to draw up and enforce in his Bureau a system of rules and regulations for the government of the Signal Bureau, and of all persons in said Bureau, and for the safe-keeping and preservation of all Signal Service property of every kind, and to direct and prescribe the kind, number, and form, of all returns and reports, and to enforce compliance therewith. [October 12, 1888.]

October 12, 1888.

25 Stat. L., 552.

Virginia, cus-
toms districts in.

Substitute for
R. S., § 2552, pars.
4, 5, as amended
by 1882, June 15,
ch. 219, §§ 1, 2,

Newport News
district defined.

CHAP. 1093.—An act to amend an act approved June fifteenth, eighteen hundred and eighty-two, changing the boundaries of the fourth collection district of Virginia.

Be it enacted, &c. That an act entitled "An act to amend section twenty-five hundred and fifty-two of the Revised Statutes, and to change the boundaries of the fourth collection district of Virginia," approved June fifteenth, eighteen hundred and eighty-two, be, and the same is hereby, further amended so that it shall read:

"That the district of Newport News shall comprise all the waters and shores from the point forming the south shore of the mouth of the Rappahannock River, along the coast of the Chesapeake Bay, to Back River Light-House; thence to a point south of Old Point Comfort midway in the channel of Hampton Roads; thence in a south-westerly direction to Pig Point Light-House; thence along the south shore of the James River to a point on the peninsula formed by the James and York Rivers opposite Williamsburgh, and thence across said peninsula to the south bank of York River, so as to embrace in said district, in addition to the ports heretofore included, Hampton and Newport News;

Newport News
a port of entry and
Yorktown a port
of delivery.

Norfolk and
Portsmouth dis-
trict: ports of en-
try and delivery.

Substitute for
1882, June 15,
ch. 219, § 2, ante,
p. 346.

In which Newport News shall be the port of entry, and Yorktown a port of delivery."

SEC. 2. That section two of the said act be, and the same is hereby, amended so as to read:

"SEC. 2. The district of Norfolk and Portsmouth to comprise all the waters and shores within the State of Virginia southward of the district of Newport News, as above described, and not included in the districts of Petersburg and Richmond;

In which Norfolk and Portsmouth shall be the sole ports of entry, and Suffolk and Smithfield the ports of delivery." [October 12, 1888.]

October 12, 1888.

25 Stat. L., 554.

District of Co-
lumbia.

CHAP. 1095.—An act regulating admissions to the Institution of the Association for Works of Mercy in certain cases, and for other purposes.

Be it enacted, &c., That the Association for Works of Mercy, a charitable corporation in the District of Columbia, is hereby authorized and empowered to receive and have the custody and control of,

and to suitably maintain, teach, employ, and discipline girls under the age of eighteen years, resident in the District of Columbia, until they attain the age of eighteen years.

The right to the custody and control of any such girl shall be obtained in the manner following:

First. By a written instrument executed by the father of such girl, giving such custody and control to said association and renouncing parental right.

Admission, &c., of girls in Association for Works of Mercy.
Custody; how obtained.

— from father.

Second. If the father be not living, or is unknown, or not resident in the District of Columbia, by a written instrument executed by the mother of such girl, giving such custody and control to said association and renouncing parental rights.

— from mother.

Third. By a written instrument executed by the guardian of the person of such girl, giving such custody and control to said association and renouncing the rights of guardianship.

— from guardian.

Fourth. If there be no father, or mother, or guardian of such girl living, or known, resident in the District of Columbia, by an instrument in writing executed by such girl, surrendering herself to the custody, control, and maintenance of said association.

— from girl having no parent or guardian.

Fifth. No such instrument shall be effectual in law until it shall be approved by the judge of the orphans' court of the District of Columbia by an indorsement of such approval thereon signed by such judge.

— to be approved by judge of orphans' court.

SEC. 2. That when any girl under the age of eighteen years shall be duly convicted of any offense punishable by fine or imprisonment for a term less than two years before any court in the District of Columbia, if it shall appear to the satisfaction of the court that such girl is a suitable subject for the custody of said association, the court may, instead of imposing such fine or imprisonment, and with the assent of said association, cause such girl to be committed to the custody and control of said association, there to remain until she shall attain the age of eighteen years, or be otherwise discharged in due course of law.

Commitment for offenses.
1888, July 9, ch. 595, ante, p. 596.

SEC. 3. That a girl, duly received into the institution of the said association, shall be kept there, disciplined, instructed, employed, and governed under the direction of said association until she is either reformed and discharged or has attained the age of eighteen years; but the association shall have the right to discharge and return to the parents, guardian, or protector any girl who, in its judgment, ought, for any cause, to be removed from the institution, and in such case the association shall enter upon its minutes the reasons for her discharge; and in case such girl was received under the order of any criminal court, a copy of the minutes of such reasons shall be forthwith transmitted to the court under whose order she was received.

Keeping and discharge of inmates.

SEC. 4. That the orphans' court of the District of Columbia shall have power to appoint the said association the guardian of the person of any girl under the age of eighteen years, in the same manner and with the same effect that it now has power to appoint guardians of the person of female infants. And such guardianship shall continue until such girl shall attain the age of eighteen years, unless the orphans' court shall discharge the same or otherwise direct. [October 12, 1888.]

Association may be appointed guardian by orphans' court.

R. S. of D. C., § 937.
1885, Feb. 13, ch. 58, § 2, ante, p. 474.

CHAP. 1098.—An act to authorize the Secretary of the Interior to sell township maps or plats remaining on hand in his office.

October 12, 1888.

25 Stat. L., 557.

Be it enacted, &c., That from and after the passage of this act the Secretary of the Interior, through the Commissioner of Public Lands, be, and he is hereby, authorized to sell the photolithographic township plats or maps of the States and Territories now remaining on hand in that Department to citizens of the United States at the

Township maps of States and Territories may be sold by Secretary of Interior.

R. S., §§ 460, 461.

1888, April 2, ch. 54, *ante*, p. 582. following prices: Authenticated copies, fifty cents per copy; unauthenticated copies, twenty-five cents per copy; the proceeds of said sales to be covered into the Treasury of the United States by the Secretary of the Interior. [October 12, 1888.]

October 12, 1888. CHAP. 1099.—An act to include Sapelo Sound, Sapelo River, and Sapelo Island in the Brunswick collection district in the State of Georgia.

25 Stat. L., 557. *Be it enacted, &c.*, That Sapelo Sound, Sapelo River, and the Island of Sapelo shall henceforth be included in, and be a part of, the second district for the collection of customs, in the State of Georgia, known as the Brunswick district. [October 12, 1888.]

R. S., § 2559.
1881, Feb. 23, ch. 92, *ante*, p. 318.

October 13, 1888. CHAP. 1113.—An act providing for the establishment of a life-saving station at the harbor of Kewaunee, Wisconsin, and at other places herein named.

25 Stat. L., 557. *Be it enacted, &c.*, That the Secretary of the Treasury is hereby authorized to establish a life-saving station at the harbor of Kewaunee, State of Wisconsin.

Life-saving stations additional in Wisconsin and on seacoast.
R. S., §§ 4242-4249.
1878, June 18, ch. 265, and note, *ante*, p. 190. That the Secretary of the Treasury be, and he is hereby, authorized to establish additional life-saving stations upon the sea-coast of the United States, as follows:

- One near the entrance to Yaguina Bay, Oregon;
- One at or near the mouth of the Umpqua River, Oregon;
- One between McKenzie's Head and Peterson's Point, near Loomis Place on the Head, Washington Territory;
- One on Peterson's Point, at the entrance to Gray's Harbor, Washington Territory, as the General Superintendent of the Life-Saving Service may recommend;
- One at or near Walles Sands, New Hampshire;
- One at or near Plum Island, Massachusetts;
- One at or near Lynn Haven Inlet, Virginia;
- Two between Ocracoke Inlet and Cape Lookout, North Carolina, at such points as the General Superintendent of the Life-Saving Service may recommend;
- One at or near Ashtabula, Ohio;
- One at or near Marquette, Michigan;
- One between the Ocean House, south of the entrance to the harbor of San Francisco, and Point San Pedro, California, at such point as the General Superintendent of the Life-Saving Service may recommend. [October 13, 1888.]

October 18, 1888. CHAP. 1194.—An act to provide for warehousing fruit brandy.

25 Stat. L., 560. *Be it enacted, &c.*, That the provisions of an act entitled "An act relating to the production of fruit brandy, and to punish frauds connected with the same," approved March third, eighteen hundred and seventy-seven, be extended and made applicable to brandy distilled from apples or peaches, or from any other fruit the brandy distilled from which is not now required or hereafter shall not be required to be deposited in a distillery warehouse:

Act for warehousing grape brandy to apple and other fruit brandy.
R. S., §§ 3255, 3271.
1877, Mar. 3, ch. 114, *ante*, p. 139. *Provided*, That each of the warehouses established under said act, or which may hereafter be established, shall be in charge either of a storekeeper or of a storekeeper and gauger, at the discretion of the Commissioner of Internal Revenue. [October 18, 1888.]

Custody of warehouses.

CHAP. 1195.—An act to establish a life-saving station on the Atlantic coast between Indian River Inlet, Delaware, and Ocean City, Maryland.

October 18, 1888.

25 Stat. L., 560.

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby; authorized to establish a life-saving station on the coast of Delaware or Maryland, at such point between Indian River Inlet, Delaware, and Ocean City, Maryland, as the General Superintendent of the Life-Saving Service may direct. [October 18, 1888.]

Life-saving station near Ocean City, Md.

R. S., §§ 4242-4249.

1878, June 18, ch. 265, and note, ante, p. 190.

CHAP. 1197.—An act to amend section forty-four hundred and seventy-four of the Revised Statutes of the United States.

October 18, 1888.

25 Stat. L., 564.

Be it enacted, &c., That section forty-four hundred and seventy-four of the Revised Statutes of the United States be, and the same is hereby, amended, by adding thereto the following:

Secretary of Treasury may permit use of petroleum for fuel on steamers not carrying passengers, without certificate of district inspector.

R. S., § 4474.

“Provided, however, That the Secretary of the Treasury may permit the use of petroleum as fuel on steamers not carrying passengers, without the certificate of the Supervising Inspector of the district where the vessel is to be used, subject to such conditions and safeguards as the Secretary of the Treasury in his judgment shall provide.

For a violation of any of the conditions imposed by the Secretary of the Treasury a penalty of five hundred dollars shall be imposed, which penalty shall be a lien upon the vessel, but a bond may, as provided in other cases, be given to secure the satisfaction of the judgment.” [October 18, 1888.]

CHAP. 1210.—An act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June thirtieth, eighteen hundred and eighty-eight, and for prior years, and for other purposes.

October 19, 1888.

25 Stat. L., 565.

Be it enacted, &c., * * [Par. 1.] That the act approved February twenty-third, eighteen hundred and eighty-seven, entitled “An act to amend an act to prohibit the importation and immigration of foreigners and aliens under contract or agreement to perform labor in the United States, its Territories, and the District of Columbia,” be, and the same is hereby, so amended as to authorize the Secretary of the Treasury, in case he shall be satisfied that an immigrant has been allowed to land contrary to the prohibition of that law, to cause such immigrant within the period of one year after landing or entry, to be taken into custody and returned to the country from whence he came, at the expense of the owner of the importing vessel, or, if he entered from an adjoining country, at the expense of the person previously contracting for the services.

Return of immigrants illegally landed.

1887, Feb. 23, ch. 220, § 8, ante, p. 542.

1891, Mar. 3, ch. 551, § 11, post, p. 937.

That the act approved February twenty-sixth, eighteen hundred and eighty-five, entitled “An act to prohibit the importation and migration of foreigners and aliens under contract or agreement to perform labor in the United States, its Territories, and the District of Columbia,” be, and the same is hereby, amended so as to authorize the Secretary of the Treasury to pay to an informer who furnishes original information that the law has been violated such a share of the penalties recovered as he may deem reasonable and just, not exceeding fifty per centum, where it appears that the recovery was had in consequence of the information thus furnished. * *

Allowance to informers of violation of immigration laws.

1885, Feb. 26, ch. 164, § 3, ante, p. 479.

[Par. 2.] That hereafter the statement of all appropriations made during each session of Congress, including new offices created and the salaries of each and salaries of the offices which are increased and the amounts of such increase authorized by the act of (1) July

Statement of appropriations, contents of.

R. S., § 64.

NOTE.—(1) The provisions of the act of 1836, ch. 366, § 6 (5 Stat. L., 117), here referred to, are incorporated into Revised Statutes in § 64.

fourth, eighteen hundred and thirty-six, shall be prepared under the direction of the Committees on Appropriations of the Senate and House of Representatives, and said statement shall hereafter show also the offices the salaries of which are reduced or omitted, and the amount of such reduction, and shall also contain a chronological history of the regular appropriation bills passed during the session for which it is prepared; * *

Loan of scientific instruments by Secretary of Navy, for Signal Service use, authorized.

SEC. 3. * * That the Secretary of the Navy be, and he is hereby, authorized, in his discretion, to loan any scientific instruments in the possession of any of the bureaus under his charge, and not in use, to persons taking observations, or making investigations in connection with, or for the use of, the Signal Service under such regulations as he may prescribe, taking such security for the safe-keeping and return of such instruments on demand as he may deem necessary. * * [October 19, 1888.]

October 19, 1888. CHAP. 1213.—An act to fix the number of unbound and bound Journals of the Senate and House of Representatives, and to provide for their distribution.

25 Stat. L., 610.
Journals of Congress; number to be printed.
R. S., §§ 97, 98, 3796, par. 6.

Distribution of bound copies of Senate Journal.

Be it enacted, &c., That there shall be printed of the Journals of the Senate, one thousand and fifty-five copies, and of the Journals of the House of Representatives, one thousand one hundred and seventy-four copies.

Of the Senate Journals there shall be bound one thousand and twenty-five copies, which shall be distributed as follows: To the office of the Secretary of the Senate, seventy-eight copies; to the Senate library, thirty-six copies; to the Senate document-room, twenty-five copies; to the Senate folding-room, forty-three copies; to the House document-room, three hundred and thirty-seven copies; to the Department of State, ten copies; to the Department of the Interior, four hundred and thirty-five copies; to the Library of Congress, fifty-two copies; to the Court of Claims, two copies, and to the library of the House of Representatives, seven copies.

—of House Journal.

Of the Journals of the House of Representatives there shall be bound eleven hundred and twenty-four copies, which shall be distributed as follows: To the office of the Secretary of the Senate, seventy-eight copies; to the Senate library, thirty-six copies; to the Senate document-room, twenty-five copies; to the document-room of the House of Representatives, three hundred and forty-eight copies; to the Department of State, ten copies; to the Department of the Interior, four hundred and thirty-five copies; to the Clerk of the House of Representatives (for governors of States), one hundred and twenty-three copies; to the Library of Congress, fifty-two copies; to the Court of Claims, two copies, and to the library of the House of Representatives, fifteen copies.

Unbound copies of Senate Journal.

Of the unbound Journals of the Senate there shall be printed thirty copies, which shall be distributed as follows: To the Secretary of the Senate, six copies; to the office of the Clerk of the House of Representatives, five copies; to the document-room of the House of Representatives, five copies; to the Public Printer, four copies; to the library of the House of Representatives (for file copies) five copies; and to the library of the Senate, (for file copies), five copies. Of the unbound Journals of the House of Representatives there shall be printed fifty copies, which shall be distributed as follows: To the Secretary of the Senate, six copies; to the office of the Clerk of the House of Representatives, twenty-five copies; to the document-room of the House of Representatives, five copies; to the Public Printer, four copies; to the library of the House of Representatives (for file copies), five copies, and to the library of the Senate (for file copies), five copies.

—of House Journal.

Repeal.

SEC. 2. That all laws in conflict with this bill are hereby repealed. [October 19, 1888.]

CHAP. 1214.—An act authorizing the Secretary of the Interior to accept the surrender of and cancel land patents to Indians in certain cases. (1)

October 19, 1888.

25 Stat. L., 611.

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized to accept the surrender of and to cancel patents conveying the land therein described and issued to the following-named * * Indians, * * and to allot and patent to said Indians, under the act of February eighth, eighteen hundred and eighty-seven, such lands as they would be thereby entitled to had no previous patents to them severally been made.

Acceptance of surrender of land patents from Indians.

1887, Feb. 8, ch. 119, *ante*, p. 534.

SEC. 2. The Secretary of the Interior is hereby authorized, in his discretion, and whenever for good and sufficient reason he shall consider it to be for the best interest of the Indians, in making allotments under the statute aforesaid, to permit any Indian to whom a patent has been issued for land on the reservation to which such Indian belongs, under treaty or existing law, to surrender such patent with formal relinquishment by such Indian to the United States of all his or her right, title, and interest in the land conveyed thereby, properly indorsed thereon, and to cancel such surrendered patent:

Indians may surrender patents, and receive allotments in severalty.

1875, Mar. 3, ch. 131, § 15, *ante*, p. 78.

1884, July 4, ch. 180, par. 5, *ante*, p. 450.

Provided, That the Indian so surrendering the same shall make a selection, in lieu thereof, of other land and receive patent therefor, under the provisions of the act of February eighth, eighteen hundred and eighty-seven. [October 19, 1888.]

NOTE.—(1) Sec. 1 of this act is special, and only so much is here retained as is necessary to an understanding of Sec. 2, which contains the only general legislation in the act

CHAP. 1216.—An act supplementary to the act approved February third, eighteen hundred and eighty-seven, entitled “An act to fix the day for the meeting of the electors of President and Vice-President, and to provide for and regulate the counting of the votes for President and Vice-President, and the decision of questions arising thereon.”

October 19, 1888.

25 Stat. L., 613.

Be it enacted, &c., That the certificates and lists of votes for President and Vice-President of the United States, mentioned in chapter one of title three of the Revised Statutes of the United States, and in the act to which this is a supplement, shall be forwarded, in the manner therein provided, to the President of the Senate forthwith after the second Monday in January, on which the electors shall give their votes.

Lists of votes for President, &c., to be forwarded to President of Senate.

R. S., § 140.
1887, Feb. 3, ch. 90, § 3, *ante*, p. 525.

SEC. 2. That section one hundred and forty-one of the Revised Statutes of the United States is hereby so amended as to read as follows:

When Secretary of State shall send for district judges' list.

“**SEC. 141.** Whenever a certificate of votes from any State has not been received at the seat of Government on the fourth Monday of the month of January in which their meeting shall have been held, 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.” [October 19, 1888.]

Substitute for R. S., § 141.

RESOLUTION.

NUMBER 10.—Joint resolution to supply the Department of State with copies of bills and other documents.

April 5, 1888.

25 Stat. L., 620.

Resolved, &c., That the Public Printer be, and he is hereby, authorized and directed to furnish the Department of State, out of the usual number, with ten copies of each bill and joint resolution, and twenty copies of each executive document, miscellaneous document, and report of committee of either House of Congress. [April 5, 1888.]

State Department to be furnished copies of bills, resolutions, and documents.

R. S., §§ 3791, 3792, 3798. 1882, July 7, Res. No. 43, *ante*, p. 387.

FIFTIETH CONGRESS—SECOND SESSION

IN

THE YEARS 1888-1889.

December 18, 1888.

CHAP. 6.—An act to establish a land office at Folsom, in the Territory of New Mexico.

Be it enacted, &c., That all that portion of the Territory of New Mexico bounded and described as follows: Commencing at the northeastern corner of said Territory and running thence west on the northern boundary line of said Territory to the line dividing ranges numbered twenty-four and twenty-five, thence south on said range line to the principal base-line running east and west through said Territory, thence east on said base-line to the eastern boundary line of said Territory, thence north on said eastern boundary line to the place of beginning, be, and is hereby, constituted a new and separate land district, to be called the Colfax land district, the land office for which shall be located in the town of Folsom, County of Colfax, in the said Territory of New Mexico.

SEC. 2. That the President, by and with the advice and consent of the Senate, shall appoint a register and a receiver of public moneys for said district; and said officers shall reside in the place where said land office is located, and shall have the same powers and shall discharge similar duties and receive the same fees and emoluments as officers discharging like duties in the other land offices of the Territory of New Mexico. [December 18, 1888.]

25 Stat. L., 637.
New Mexico.
Colfax land district, established.
R. S., § 2256,

1874, March 3,
ch. 43, ante, p. 4.
1889, March 1,
ch. 327, post, p. 660.

Land office at
Folsom.

Register and receiver.
R. S., § 2434.

CHAP. 19.—An act to regulate appointments in the Marine Hospital Service of the United States.

Be it enacted, &c., That medical officers of the Marine Hospital Service of the United States shall hereafter be appointed by the President, by and with the advice and consent of the Senate; and no person shall be so appointed until after passing a satisfactory examination in the several branches of medicine, surgery, and hygiene before a board of medical officers of the said service. Said examination shall be conducted according to rules prepared by the Supervising Surgeon-General, and approved by the Secretary of the Treasury and the President.

SEC. 2. That original appointments in the service shall only be made to the rank of assistant surgeon; and no officer shall be promoted to the rank of passed assistant surgeon until after four years' service and a second examination as aforesaid; and no passed assistant surgeon shall be promoted to be surgeon until after due examination:

Provided, That nothing in this act shall be so construed as to affect the rank or promotion of any officer originally appointed before the adoption of the regulations of eighteen hundred and seventy-nine; and the President is authorized to nominate for confirmation the officers in the service on the date of the passage of this act. [January 4, 1889.]

January 4, 1889.

25 Stat. L., 639.
Medical officers
of Marine Hospital
Service to be ap-
pointed by Presi-
dent, &c., after
examination.
R. S., § 4802.

1875, Mar. 3, ch.
130, par. 9, ch. 156,
ante, pp. 73, 94.
1888, August 1, ch.
727, ante, p. 600.

Appointments
to be as first assist-
ant surgeon. Promo-
tion.
19 Opins., 296.

January 16, 1889. **CHAP. 50.**—An act to amend the postal laws of the United States in reference to letters bearing special delivery stamps.

25 Stat. L., 650.

Special delivery letters with insufficient postage to be delivered and postage collected.

1886, March 3, ch. 342, § 3, *ante*, p. 484.

1886, Aug. 7, ch. 901, *ante*, p. 511.

Be it enacted, &c., That section three, chapter three hundred and forty-two of the act of Congress approved March third, anno Domini eighteen hundred and eighty-five, be, and the same is hereby, amended by adding to said section the following proviso:

“*Provided, however,* That the omission by the sender to place the lawful postage upon a letter bearing such special delivery stamp and otherwise entitled to immediate delivery under the provisions of this section shall not hinder or delay the transmission and delivery thereof as provided herein, but such lawful postage shall be collected upon its delivery, in the manner now provided by law for the collection of deficient postage resulting from the overweight of letters.”
[January 16, 1889.]

January 30, 1889. **CHAP. 100.**—An act to increase the maximum amount of international money-orders from fifty to one hundred dollars.

25 Stat. L., 654.

International money-orders.

Maximum amount raised to one hundred dollars.

Substitute for R. S., § 4028.

1887, Jan. 3, ch. 13, § 2, *ante*, p. 518.

Be it enacted, &c., That section four thousand and twenty-eight of the Revised Statutes of the United States (second edition, eighteen hundred and seventy-eight), be, and the same is hereby, amended so as to read as follows:

“**SEC. 4028.** The Postmaster-General may conclude arrangements with the post departments of foreign governments with which postal conventions have been or may be concluded for the exchange, by means of postal orders, of small sums of money, not exceeding one hundred dollars in amount, at such rates of exchange and compensation to postmasters and under such rules and regulations as he may deem expedient; and the expenses of establishing and conducting such systems of exchange may be paid out of the proceeds of the money-order business.”

When act takes effect.

SEC. 2. That this act shall take effect within six months from the date of its approval by the President. [January 30, 1889.]

February 6, 1889. **CHAP. 113.**—An act to abolish circuit court powers of certain district courts of the United States, and to provide for writs of error in capital cases, and for other purposes.

25 Stat. L., 655.

Circuit courts in Arkansas, Mississippi, South Carolina, and West Virginia.

R. S., § 658. Terms.

1877, Jan 31, ch. 41, *ante*, p. 129.

1890, Mar. 7, ch. 28, *post*, p. 707.

Be it enacted, &c., That there shall be, and is hereby, established a circuit court of the United States in and for the western district of Arkansas, for the northern district of Mississippi, and for the western district of South Carolina, respectively, as the said districts are now constituted by law.

And terms of said circuit courts, respectively, shall be held at the times and places now provided by law for the holding of the district courts in said districts, respectively, and terms of the circuit court shall be held also at Helena, in the eastern district of Arkansas, at the same times the district court is now required by law to be held; and also at the times and places in West Virginia, where the district court is now provided by law to be held. (1)

SEC. 2. That said circuit courts, respectively, shall have and exercise, within their respective districts, the same original and appellate jurisdiction as is or may be conferred by law upon the other circuit courts of the United States:

And all suits, causes, and proceedings now pending in the said several respective district courts, and also in the district court of the

Jurisdiction.

Pending causes.

NOTE.—(1) The times of holding court in the western district of Arkansas and at Helena in the eastern district are fixed by 1877, Jan. 31, ch. 41, *ante*, p. 129; in the northern district of Mississippi by 1892, June 15, ch. 218, § 2, *ante*, p. 344; in the western district of South Carolina by 1890, Apr. 26, ch. 165, § 1, 4, *post*, p. 719; and in West Virginia by 1878, Mar. 9, ch. 27, *ante*, p. 153; 1878, Dec. 21, ch. 9, *ante*, p. 207; and 1888, May 17, ch. 261, *ante*, p. 587.

district of West Virginia, and also in the district court of the eastern district of Arkansas, held at Helena, in and concerning which the said district courts exercise circuit court powers, shall be transferred to and belong to the jurisdiction of said circuit courts, respectively, and shall be proceeded with accordingly.

SEC. 3. That there shall be appointed for each of said circuit courts in this act mentioned, by the circuit court judge of the circuit in which said districts are respectively embraced, a clerk, who shall take the oath and give the bond required by law for clerks of circuit courts, who shall discharge all the duties and be entitled to all the fees and emoluments prescribed by general law.

Clerks.

And the marshals of the United States in and for said respective districts shall act as marshals of said circuit courts, and the district attorneys of the United States in and for said respective districts shall discharge the duties of district attorneys in said circuit courts.

Marshals.

Hereafter all appointments of clerks of circuit courts of the United States shall be made by the circuit judges of the respective circuits in which such circuit courts are or may be hereafter established; and all provisions of law inconsistent herewith are hereby repealed.

Circuit court clerks to be appointed by circuit judges.

R. S., § 619.

1888, Aug. 13, ch. 866, § 7, *ante*, p. 614.

SEC. 4. That said circuit courts, respectively, shall have power to make such orders and directions as shall be proper for the transfer from said district courts of all causes, proceedings, matters, records, files, and papers as by force of this act should belong to the said circuit courts.

Transfer of matters belonging to said courts.

SEC. 5. That the provisions of the act entitled "An act to amend sections five hundred and thirty-three, five hundred and fifty-six, five hundred and seventy-one, and five hundred and seventy-two of the Revised Statutes of the United States relating to courts in Arkansas and other States," approved January thirty-first, eighteen hundred and seventy-seven, conferring upon the (2) district courts named therein circuit court powers; and section five hundred and seventy-one of the Revised Statutes of the United States, as amended by said last mentioned act, and all provisions of law inconsistent with any of the provisions of this act be, and the same are hereby, repealed.

Circuit court powers of certain district courts repealed.

Repeal of R. S., § 571, and 1877, Jan. 21, ch. 41, *in part*, *ante*, p. 129, and 19 Stat. L., 230.

SEC. 6. That hereafter in all cases of conviction of crime the punishment of which provided by law is death, tried before any court of the United States, the final judgment of such court against the respondent shall, upon the application of the respondent, be re-examined, reversed, or affirmed by the Supreme Court of the United States upon a writ of error, under such rules and regulations as said court may prescribe.

Writs of error on conviction of crimes punishable by death.

1891, March 3, ch. 517, § 5, *post*, p. 908.

Every such writ of error shall be allowed as of right and without the requirement of any security for the prosecution of the same or for costs. Upon the allowance of every such writ of error, it shall be the duty of the clerk of the court to which the writ of error shall be directed to forthwith transmit to the Clerk of the Supreme Court of the United States a certified transcript of the record in such case, and it shall be the duty of the Clerk of the Supreme Court of the United States to receive, file, and docket the same.

Every such writ of error shall during its pendency operate as a stay of proceedings upon the judgment in respect of which it is sued out.

—to stay proceedings, &c.

Any such writ of error may be filed and docketed in said Supreme Court at any time in a term held prior to the term named in the citation as well as at the term so named; and all such writs of error shall be advanced to a speedy hearing on motion of either party.

Filing writ.

When any such judgment shall be either reversed or affirmed the cause shall be remanded to the court from whence it came for further proceedings in accordance with the decision of the Supreme Court, and the court to which such cause is so remanded shall have power to cause such judgment of the Supreme Court to be carried into execution.

Proceedings on decision of Supreme Court.

NOTE.—(2) The "district courts named therein" are those for the western district of Arkansas, the eastern district of Arkansas at Helena, the northern district of Mississippi, the western district of South Carolina, and the district of West Virginia.

Petition for writ.

No such writ of error shall be sued out or granted unless a petition therefor shall be filed with the clerk of the court in which the trial shall have been had during the same term or within such time, not exceeding sixty days next after the expiration of the term of the court at which the trial shall have been had, as the court may for cause allow by order entered of record.

When act takes effect.

SEC. 7. That this act shall take effect and be in force from and after the first day of May, anno Domini eighteen hundred and eighty-nine.

[*Became a law February 6, 1889, without the President's approval.*]

February 8, 1889.

25 Stat. L., 657.

Seamen, &c., in Navy honorably discharged, may have home on receiving-ships for three months, &c.
R. S. §§ 1429, 1573.

CHAP. 115.—An act to provide a temporary home for certain persons discharged from the United States Navy.

Be it enacted, &c. That the Secretary of the Navy be, and he is hereby, authorized to permit any person receiving the honorable discharge authorized by section fourteen hundred and twenty-nine of the Revised Statutes to elect a home on board of any of the United States receiving-ships, during any portion of the three months granted by law as the limit of time within which to receive the pecuniary benefit of such discharge, the men so choosing a home to be entitled to one ration per day for their keeping while furnished with such home, but not to pay, other than that authorized by section fifteen hundred and seventy-three of the Revised Statutes of the United States upon re-enlistment:

—amenable to regulations.

Provided, That the persons so furnished with a home shall be amenable to such regulations as may be prescribed by the Secretary of the Navy or other competent authority. [*February 8, 1889.*]

February 8, 1889.

25 Stat. L., 657.

National Homes for disabled volunteers may be furnished with obsolete cannon by Sec. of War.

R. S. §§ 4825, 1875, March 3, ch. 129, par. 6, and note (1), *ante*, p. 71.

CHAP. 116.—An act to authorize the furnishing of obsolete serviceable cannon to Soldiers Homes.

Be it enacted, &c., That the Secretary of War be, and hereby is, authorized and directed, subject to such regulations as he may prescribe, to deliver to any of the "National Homes for Disabled Volunteer Soldiers" already established or hereafter established and to any of the State Homes for soldiers and sailors or either now or hereafter duly established and maintained under State authority, such obsolete serviceable cannon, bronze or iron, suitable for firing salutes, as may be on hand undisposed of, not exceeding two to any one Home. [*February 8, 1889.*]

February 9, 1889.

25 Stat. L., 657.

Petty officers and seamen of Navy may deposit savings with paymasters.
19 Opins., 616.

CHAP. 119.—An act to provide for the deposit of the savings of seamen of the United States Navy.

Be it enacted, &c., That any enlisted man or appointed petty officer of the Navy may deposit his savings, in sums not less than five dollars, with the paymaster upon whose books his account is borne; and he shall be furnished with a deposit-book, in which the said paymaster shall note, over his signature, the amount, date, and place of such deposit.

Money deposited to be accounted for as public funds.

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 "Pay for the Navy," 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 sailor, and that such deposit be exempt from liability for such sailor's debts:

Provided, That the Government shall be liable for the amount deposited to the person so depositing the same.

Liability of Gov-
ernment.

SEC. 2. That for any sums not less than five dollars so deposited for the period of six months or longer, the sailor, on his final discharge, shall be paid interest at the rate of four per centum per annum.

Interest.

SEC. 3. That the system of deposits herein established, shall be carried into execution under such regulations as may be established by the Secretary of the Navy. [*February 9, 1889.*]

Regulations by
Sec. of Navy.

CHAP. 120.—An act to punish, as a felony, the carnal and unlawful knowing of any female under the age of sixteen years.

February 9, 1889.

25 Stat. L., 658.

Be it enacted, &c., That every person who shall carnally and unlawfully know any female under the age of sixteen years, or who shall be accessory to such carnal and unlawful knowledge before the fact in the District of Columbia or other place, except the territories, over which the United States has exclusive jurisdiction; or on any vessel within the admiralty or maritime jurisdiction of the United States, and out of the jurisdiction of any State or Territory, shall be guilty of a felony, and when convicted thereof shall be punished by imprisonment at hard labor, for the first offense for not more than fifteen years, and for each subsequent offense not more than thirty years. [*February 9, 1889.*]

Carnal and un-
lawful knowledge
of females under
sixteen in District
of Columbia, and
places where U. S.
has exclusive jur-
isdiction, and on
vessels, &c., de-
clared felony.
1885, Feb. 13,
ch. 53, § 4, *ante*,
p. 475.

CHAP. 122.—An act to enlarge the powers and duties of the Department of Agriculture and to create an Executive Department to be known as the Department of Agriculture.

February 9, 1889.

25 Stat. L., 659.

Be it enacted, &c., That the Department of Agriculture, shall be an Executive Department, under the supervision and control of a Secretary of Agriculture, who shall be appointed by the President, by and with the advice and consent of the Senate; and section one hundred and fifty-eight of the Revised Statutes is hereby amended to include such Department, and the provisions of title four of the Revised Statutes, including all amendments thereto, are hereby made applicable to said Department.

Department of
Agriculture to be
an Executive De-
partment, &c.
R. S., §§ 158, 520-
529, 3677.

SEC. 2. That there shall be in said Department an Assistant Secretary of Agriculture, to be appointed by the President, by and with the advice and consent of the Senate, who shall perform such duties as may be required by law or prescribed by the Secretary.

Assistant Secre-
tary.

SEC. 3. That the Secretary of Agriculture shall receive the same salary as is paid to the Secretary of each of the Executive Departments, and the salary of the Assistant Secretary of Agriculture shall be the same as that now paid to the First Assistant Secretary of the Department of the Interior.

Salaries.

SEC. 4. That all laws and parts of laws relating to the Department of Agriculture now in existence, as far as the same are applicable and not in conflict with this act, and only so far, are continued in full force and effect. [*February 9, 1889.*]

Laws of exist-
ing Department
to apply.

R. S., §§ 520-529, 3677.

1875, March 3, ch. 128, § 7, *ante*, p. 70.

1880, June 16, ch. 235, par. 9, *ante*, p. 299; ch. 252, § 2, *ante*, p. 302.

1884, May 29, ch. 60, *ante*, p. 435.

1885, March 3, ch. 338, § 2, *ante*, p. 481.

1886, Aug. 2, ch. 840, § 14, *ante*, p. 508.

1887, March 2, ch. 314, *ante*, p. 550.

1888, June 18, ch. 393, *ante*, p. 592.

1889, March 2, ch. 373, *post*, p. 679.

1890, July 14, ch. 707, *post*, p. 773.

1890, Aug. 30, ch. 839, *post*, p. 794; ch. 841, *post*, p. 797.

1890, Oct. 1, ch. 1266, *post*, p. 879.

1891, March 3, ch. 521, *post*, p. 908.

February 12, 1889.

CHAP. 132.—An act to increase pensions in certain cases.

25 Stat. L., 659.
Pensions for loss
of both hands in-
creased to \$100
per month.

R. S., § 4698.
1878, July 17,
ch. 261, *ante*, p.
188.

February 12, 1889.

25 Stat. L., 659.
District of Co-
lumbia.

Reduction of
certain assess-
ments on real
estate.

R. S. of D. C., §§
150, 151.

Drawback cer-
tificates to be is-
sued.

1878, May 28,
ch. 145, *ante*, p.
166.

1890, June 2, ch.
389, *post*, p. 743.

Receivable for
taxes.

Be it enacted, &c., That from and after the passage of this act all persons who, in the military or naval service of the United States and in the line of duty, have lost both hands, shall be entitled to a pension of one hundred dollars per month. (1) [February 12, 1889.]

NOTE.—(1) This is the highest rate of pension under any general law.

CHAP. 133.—An act for the relief of certain property in the District of Columbia.

25 Stat. L., 659.
District of Co-
lumbia.

Reduction of
certain assess-
ments on real
estate.

R. S. of D. C., §§
150, 151.

Drawback cer-
tificates to be is-
sued.

1878, May 28,
ch. 145, *ante*, p.
166.

1890, June 2, ch.
389, *post*, p. 743.

Receivable for
taxes.

Be it enacted, &c., That the provisions of (1) section one of the act of the late legislative assembly of the District of Columbia, entitled "An act regulating assessments for improvements," approved December nineteenth, eighteen hundred and seventy-one, shall be construed to apply to all cases where the work was done after February twenty-first, eighteen hundred and seventy-one, and that the Commissioners of the District of Columbia are hereby directed to make the necessary reductions in assessment for such work.

SEC. 2. That drawback certificates for the amount of such reductions, with interest thereon to the date of the passage of this act, shall be issued to the holders of the liens, the security for which is reduced by the operation of this act, and to such other persons as may be found to have paid in excess of one-third of the cost of such work drawback certificates shall be issued for the amount of such excessive payment. All such drawback certificates shall be receivable for arrears of general taxes due the District of Columbia and unpaid June thirtieth, eighteen hundred and eighty-eight. [February 12, 1889.]

NOTE.—(1) Section one of the act of the legislative assembly herein referred to is as follows:

"Chap. V.—An act regulating assessments for improvements.
"Be it enacted by the Legislative Assembly of the District of Columbia, That all improvements made subsequent to February twenty-first, eighteen hundred and seventy-one, the date of the approval of the organic act, shall be assessed in accordance with the requirements of the thirty-seventh section of said act."

Section 37 of the act of 1871, Feb. 21, ch. 62 (16 Stat. L., 427), herein referred to, so far as it relates to the purposes of this act, is incorporated into Revised Statutes of D. C. in § 151.

February 12, 1889.

CHAP. 135.—An act to amend section six hundred and eighty-three of the Revised Statutes relating to the distribution of the reports of the Supreme Court.

25 Stat. L., 661.

Supreme Court
reports.

Distribution of
complete sets to
circuit and district
courts.

R. S., § 683.
19 Opins., 312.

— only one set
where both courts
are held at same
place.

— to be kept for
use of courts.

Be it enacted, &c., That section six hundred and eighty-three of the Revised Statutes of the United States be, and the same is hereby, so amended as to provide for the distribution, by the Secretary of the Interior, of one set of the official reports of the decisions of the Supreme Court of the United States, or an exact reprint of the same, comprising volumes one to one hundred and twenty-two, inclusive, or so many volumes as may be needed with those already supplied to make one such set, to each of the places where the circuit and district courts of the United States are regularly held:

Provided, That where a circuit court and district court are both holden at the same place, only one such set, or so many volumes as may be needed with those already supplied to make one such set, shall be distributed to that place:

Provided further, That for the sets or parts of sets distributed as aforesaid not exceeding two dollars per volume shall be paid; and said report shall be kept by the clerks of said courts and their successors in office for the use of said courts and the officers thereof; and the sum of twenty-eight thousand dollars, or so much thereof as may be necessary, is hereby appropriated to carry out the above provision.

Number of fu-
ture reports for

SEC. 2. That, beginning with volume one hundred and twenty-three, the reporter of the decisions of the Supreme Court of the

United States shall deliver to the Secretary of the Interior, in addition to the number heretofore required by law to be so delivered by him, seventy-six copies of each volume of the reports of said decisions, for which additional copies he shall be allowed not exceeding two dollars per volume.

And hereafter all the copies of said reports furnished by said reporter shall be distributed by the Secretary of the Interior in the manner heretofore authorized by law:

Provided, That the Secretary of the Interior shall also distribute to each of the places where the circuit and district courts of the United States are regularly holden one copy of the reports so furnished, to be kept by the clerks of said courts and their successors in office, for the use of said courts and the officers thereof:

Provided further, That where a circuit court and a district court are both holden at the same place, only one copy shall be distributed to that place, and the residue of the copies shall be deposited in the Library of Congress.

And the said reports, in all cases where the same are distributed as aforesaid, shall remain the property of the United States, and be preserved as such by the above-named officers, and by them to be turned over to their successors in office:

And so much of section three hundred and eighty-six of the Revised Statutes as charges the Department of Justice with the distribution thereof is hereby repealed. [*February 12, 1889.*]

distribution increased.
1882, Aug. 5, ch. 389, par. 10, *ante*, p. 374.

— to be distributed by Secretary of Interior.

— distribution to courts.

— copies to remain United States property.
1882, Aug. 7, ch. 433, par. 17, *ante*, p. 382.

Department of Justice relieved from the distribution of reports.
R. S., § 386.

CHAP. 149.—An act to extend to the port of Sault Ste. Marie, Michigan, the privileges of inland transportation in bond.

Be it enacted, &c., That the privileges of immediate transportation of dutiable merchandise conferred by the act approved June tenth, eighteen hundred and eighty, entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," be, and the same are hereby, extended to the port of Sault Ste Marie, in the State of Michigan. [*February 13, 1889.*]

February 13, 1889.

25 Stat. L., 607.

Sault Ste. Marie, Mich., granted privileges of act for immediate transportation of dutiable goods.
1880, June 10, ch. 190, § 7, *ante*, p. 294.

CHAP. 168.—An act to create the northeastern division of the Southern Federal judicial district of Georgia, and to take certain counties from the northern district and add to the Southern district, and to provide for holding courts in said northeastern division, and for other purposes.

Be it enacted, &c., That the northeastern division of the southern judicial district of Georgia is hereby established, to be composed of the counties of Warren, Glascock, McDuffie, Columbia, Richmond, Burke, Jefferson, Johnson, and Washington of the southern district, and of the counties of Lincoln, Wilkes, and Taliaferro of the northern district, which are hereby attached to the southern district and made part of the northeastern division of said southern district.

SEC. 2. That there shall be held at the city of Augusta, in said northeastern division of the southern judicial district of Georgia, two terms of the district and circuit courts in each and every year, to wit, one term commencing on the first Monday in April and the other commencing the third Monday in November of each year, and it shall be the duty of the clerk, marshal, and other officers of the southern judicial district to attend said terms of said court and perform all the duties pertaining to their positions, and no additional clerk or marshal shall be appointed in said district. If in the opinion of the court it shall become necessary, a deputy clerk may be appointed.

February 15, 1889.

25 Stat. L., 671.

Georgia Northeastern division southern judicial district.

R. S., § 535.
1880, Jan. 20, ch. 17, *ante*, p. 276. 1882, April 25, ch. 87, and note, *ante*, p. 336.
Terms of court at Augusta.
R. S., §§ 572, 658.

Jurisdiction in civil causes.

SEC. 3. That all civil suits not of a local nature must be brought in said northeastern division where the defendant resides in said northeastern division of the Southern Federal judicial district of Georgia. But if there are two or more defendants, some residing in the northeastern division and others residing in any other portion of said southern district of Georgia, the action may be brought in any one of the divisions in which any one of the defendants resides. When the defendant is a non-resident of either division action may if plaintiff is a citizen of the district be brought in that division wherein the defendant may be found.

Removal of cases from State courts.

Cases removed from any of the courts of the State of Georgia to the circuit courts of the United States shall be removed to the circuit court in the division in which said court is held.

Prosecutions for crimes in different divisions.

SEC. 4. That all prosecutions for crimes or offenses committed after the date at which this act takes effect in any of the counties of the said northeastern division shall be cognizable within such division, and all prosecutions for crimes or offenses committed prior to the date when this act takes effect within any of said counties, taken as aforesaid from the northern district, or committed in the southern district as heretofore constituted shall be commenced and proceeded with as if this act had not been passed.

Pending causes.

SEC. 5. [*Relates to pending cases.*]

Jurors.

SEC. 6. That all grand and petit jurors summoned for service in said northeastern division shall be residents of such division.

When act takes effect.

SEC. 7. That this act shall be in force from and after the first day of January, eighteen hundred and ninety, and all acts and parts of acts inconsistent herewith are hereby repealed. [*February 15, 1889.*]

February 15, 1889.

CHAP. 169.—An act to amend section five hundred and fifty-five, Revised Statutes, relating to the District of Columbia.

25 Stat. L., 672.

District of Columbia.

Joint-stock companies to be managed by not less than three nor more than fifteen trustees, &c.

Substitute for R. S. of D. C., § 555.

Be it enacted, &c., That section five hundred and fifty-five of the Revised Statutes of the United States of America, relating to the District of Columbia, be, and it is hereby, amended by striking out the word "nine" and inserting the word "fifteen" in lieu thereof, so that the same shall read:

"The stock, property, and concerns of such company shall be managed by not less than three or more than fifteen trustees, who shall respectively be stockholders, and a majority citizens of the District, and shall, except the first year, be annually elected by the stockholders, at such time and place as shall be determined by the by-laws of the company." [*February 15, 1889.*]

February 16, 1889.

CHAP. 171 —An act to authorize and provide for the disposition of useless papers in the Executive Departments. (1)

25 Stat. L., 672.

Useless papers in Departments to be reported to Congress.

— to be examined by committee.

Be it enacted, &c., That whenever there shall be in any one of the Executive Departments of the Government an accumulation of files of papers, which are not needed or useful in the transaction of the current business of such Department and have no permanent value or historical interest, it shall be the duty of the head of such Department to submit to Congress a report of that fact, accompanied by a concise statement of the condition and character of such papers.

And upon the submission of such report, it shall be the duty of the presiding officer of the Senate to appoint two Senators, and of the

NOTE.—(1) Special provisions for the disposition of accumulations of useless papers are as follows: 1877, March 3, ch. 102, par. 4, *ante*, p. 135, as to records of regimental, garrison, &c., courts-martial. 1881, March 3, ch. 130, par. 3, *ante*, p. 320, as to papers in the Post-Office Department. 1882, Aug. 5, ch. 369, par. 1, *ante*, p. 373, as to papers in the Sixth Auditor's office. 1883, Aug. 7, ch. 423, par. 13, *ante*, p. 382, as to papers of the Senate and House of Representatives.

Speaker of the House of Representatives to appoint two Representatives, and the Senators and Representatives so appointed shall constitute a joint committee, to which shall be referred such report, with the accompanying statement of the condition and character of such papers, and such joint committee shall meet and examine such report and statement and the papers therein described, and submit to the Senate and House, respectively, a report of such examination and their recommendation.

And if they report that such files of papers, or any part thereof, are not needed or useful in the transaction of the current business of such Department, and have no permanent value or historical interest, then it shall be the duty of such head of the Department to sell as waste paper, or otherwise dispose of such files of papers upon the best obtainable terms after due publication of notice inviting proposals therefor, and receive and pay the proceeds thereof into the Treasury of the United States, and make report thereof to Congress. [February 16, 1889.] — when may be sold.

CHAP. 172.—An act in relation to dead and fallen timber on Indian lands.

February 16, 1889.

Be it enacted, &c., That the President of the United States may from year to year in his discretion under such regulations as he may prescribe authorize the Indians residing on reservations or allotments, the fee to which remains in the United States, to fell, cut, remove, sell or otherwise dispose of the dead timber standing or fallen, on such reservation or allotment for the sole benefit of such Indian or Indians.

But whenever there is reasonable cause to believe that such timber has been killed, burned, girdled, or otherwise injured for the purpose of securing its sale under this act then in that case such authority shall not be granted. [February 16, 1889.]

25 Stat. L., 673.

Indians on reservations may be allowed to cut, remove, &c., dead timber.

1887, Feb. 8, ch.

119, § 5, *ante*, p. 535.

1888, June 4, ch.

340, *ante*, p. 588.

1891, Mar. 3, ch.

559, *post*, p. 990.

CHAP. 180.—An act to provide for the division of Dakota into two States and to enable the people of North Dakota, South Dakota, Montana, and Washington to form constitutions and State governments and to be admitted into the Union on an equal footing with the original States, and to make donations of public lands to such States. (1)

February 22, 1889.

25 Stat. L., 676.

Be it enacted, &c., That the inhabitants of all that part of the area of the United States now constituting the Territories of Dakota, Montana, and Washington, (2) as at present described, may become the States of North Dakota, South Dakota, Montana, and Washington, respectively, as hereinafter provided. (3)

North Dakota, South Dakota, Montana, and Washington to become States.

SEC. 2. The area comprising the Territory of Dakota shall, for the purposes of this act, be divided on the line of the seventh standard parallel produced due west to the western boundary of said Territory; * * [Omitted words relate to constitutional convention.]

Division of Dakota.

SEC. 3. [Temporary.]

SEC. 4. That the delegates to the conventions elected as provided for in this act shall meet at the seat of government of each of said Territories, except the delegates elected in South Dakota, who shall meet at the city of Sioux Falls, on the fourth day of July, eighteen hundred and eighty-nine, and, after organization, shall declare, on

Places and times of meeting of conventions.

NOTES.—(1) The acts admitting Idaho and Wyoming, 1890, July 3, ch. 856, and July 10, ch. 664, *post*, pp. 764, 768, contain provisions substantially like those of this act.

(2) Washington Territory established, 1853, March 2, ch. 90, 10 Stat. L.: 172. Dakota Territory established, 1861, March 2, ch. 86, 12 Stat. L.: 239. Montana Territory established, 1864, May 26, ch. 95, 13 Stat. L.: 85. Wyoming Territory set off from Dakota, 1868, July 25, ch. 235, 15 Stat. L.: 178.

(3) The proclamations announcing the admission of these States are as follows: North Dakota, 1889, Nov. 2, Proc. No. 5; South Dakota, 1889, Nov. 2, Proc. No. 6; Montana, 1889, Nov. 8, Proc. No. 7; Washington, 1889, Nov. 11, Proc. No. 8; 26 Stat. L., 1548-1553.

behalf of the people of said proposed States, that they adopt the Constitution of the United States; whereupon the said conventions shall be, and are hereby, authorized to form constitutions and States governments for said proposed States, respectively.

Constitutions to be republican in form, &c.

The constitutions shall be republican in form, and make no distinction in civil or political rights on account of race or color, except as to Indians not taxed, and not be repugnant to the Constitution of the United States and the principles of the Declaration of Independence. And said conventions shall provide, by ordinances irrevocable without the consent of the United States and the people of said States:

Irrevocable provisions of religious freedom.

First. That perfect toleration of religious sentiment shall be secured and that no inhabitant of said States shall ever be molested in person or property on account of his or her mode of religious worship.

— renunciation of public lands.

Second. That the people inhabiting said proposed States do agree and declare that they forever disclaim all right and title to the unappropriated public lands lying within the boundaries thereof, and to all lands lying within said limits owned or held by any Indian or Indian tribes; and that until the title thereto shall have been extinguished by the United States, the same shall be and remain subject to the disposition of the United States, and said Indian lands shall remain under the absolute jurisdiction and control of the Congress of the United States;

— taxation of lands.

That the lands belonging to citizens of the United States residing without the said States shall never be taxed at a higher rate than the lands belonging to the residents thereof; that no taxes shall be imposed by the States on lands or property therein belonging to or which may hereafter be purchased by the United States or reserved for its use.

— of lands of Indians.

But nothing herein, or in the ordinances herein provided for, shall preclude the said States from taxing as other lands are taxed any lands owned or held by any Indian who has severed his tribal relations, and has obtained from the United States or from any person a title thereto by patent or other grant, save and except such lands as have been or may be granted to any Indian or Indians under any act of Congress containing a provision exempting the lands thus granted from taxation; but said ordinances shall provide that all such lands shall be exempt from taxation by said States so long and to such extent as such act of Congress may prescribe.

— territorial debts.

Third. That the debts and liabilities of said Territories shall be assumed and paid by said States, respectively.

— public schools.

Fourth. That provision shall be made for the establishment and maintenance of systems of public schools, which shall be open to all the children of said States, and free from sectarian control.

School lands granted to States.

SECS. 5, 6, 7, 8, 9. [*Temporary or superseded.*]

R. S., §§ 2275, 2276.

SEC. 10. That upon the admission of each of said States into the Union sections numbered sixteen and thirty-six in every township of said proposed States, and where such sections, or any parts thereof, have been sold or otherwise disposed of by or under the authority of any act of Congress, other lands equivalent thereto, in legal subdivisions of not less than one-quarter section, and as contiguous as may be to the section in lieu of which the same is taken, are hereby granted to said States for the support of common schools, such indemnity lands to be selected within said States in such manner as the legislature may provide, with the approval of the Secretary of the Interior:

1891, Feb. 28, ch. 384, *post*, p. 898.

—lands in reservations excepted.

Provided, That the sixteenth and thirty-sixth sections embraced in permanent reservations for national purposes shall not, at any time, be subject to the grants nor to the indemnity provisions of this act, nor shall any lands embraced in the Indian, military, or other reservations of any character be subject to the grants or to the in-

demnity provisions of this act until the reservation shall have been extinguished and such lands be restored to, and become a part of, the public domain.

SEC. 11. That all lands herein granted for educational purposes shall be disposed of only at public sale, and at a price not less than ten dollars per acre, the proceeds to constitute a permanent school-fund, the interest of which only shall be expended in the support of said schools.

School lands,
sale of.
R. S., § 1946.

But said lands may, under such regulations as the legislatures shall prescribe, be leased for periods of not more than five years, in quantities not exceeding one section to any one person or company; and such land shall not be subject to pre-emption, homestead entry, or any other entry under the land laws of the United States, whether surveyed or unsurveyed, but shall be reserved for school purposes only.

Lease of.

SEC. 12. That upon the admission of each of said States into the Union, in accordance with the provisions of this act, fifty sections of the unappropriated public lands within said States, to be selected and located in legal subdivisions as provided in section ten of this act, shall be, and are hereby, granted to said States for the purpose of erecting public buildings at the capital of said States for legislative, executive, and judicial purposes.

Lands for public buildings.

SEC. 13. That five per centum of the proceeds of the sales of public lands lying within said States which shall be sold by the United States subsequent to the admission of said States into the Union, after deducting all the expenses incident to the same, shall be paid to the said States, to be used as a permanent fund, the interest of which only shall be expended for the support of common schools within said States, respectively.

Five per cent. of
proceeds of public
lands to be paid to
States when situated.

SEC. 14. That the lands granted to the Territories of Dakota and Montana by the act of February eighteenth, eighteen hundred and eighty-one, entitled "An act to grant lands to Dakota, Montana, Arizona, Idaho, and Wyoming for university purposes," are hereby vested in the States of South Dakota, North Dakota, and Montana, respectively, if such States are admitted into the Union, as provided in this act, to the extent of the full quantity of seventy-two sections to each of said States, and any portion of said lands that may not have been selected by either of said Territories of Dakota or Montana may be selected by the respective States aforesaid;

University lands
to vest in States.
1881, Feb. 18, ch.
61, ante, p. 316.
19 Opins., 635.

But said act of February eighteenth, eighteen hundred and eighty-one, shall be so amended as to provide that none of said lands shall be sold for less than ten dollars per acre, and the proceeds shall constitute a permanent fund to be safely invested and held by said States severally, and the income thereof be used exclusively for university purposes.

Minimum price
for lands.

And such quantity of the lands authorized by the fourth section of the act of July seventeenth, eighteen hundred and fifty-four, to be reserved for university purposes in the Territory of Washington, as, together with the lands confirmed to the vendees of the Territory by the act of March fourteenth, eighteen hundred and sixty-four, will make the full quantity of seventy-two entire sections, are hereby granted in like manner to the State of Washington for the purposes of a university in said State. None of the lands granted in this section shall be sold at less than ten dollars per acre; but said lands may be leased in the same manner as provided in section eleven of this act.

University lands
of State of Wash-
ington.

1854, July 17, ch.
84, § 4 (10 Stat. L.,
305).

1864, March 14,
ch. 31 (13 Stat. L.,
28).

The schools, colleges, and universities provided for in this act shall forever remain under the exclusive control of the said States, respectively, and no part of the proceeds arising from the sale or disposal of any lands herein granted for educational purposes shall be used for the support of any sectarian or denominational school, college, or university.

—to be under ex-
clusive control of
States.

Insane asylum,
South Dakota.
1880, June 16, ch.
248 (21 Stat. L.,
290).

Penitentiaries.
—grants of land
for, &c.
1881, March 2,
ch. 108 (21 Stat.
L., 378).

Lands for agri-
cultural colleges.
1862, July 2, ch.
180 (12 Stat. L.,
508).

1868, March 3,
ch. 102, *ante*, p. 402.

Grants of lands
for internal im-
provements in lieu
of grants by other
acts, &c.

1841, Sept. 4, ch.
16, § 8 (5 Stat. L.,
455).

1850, Sept. 28,
ch. 84 (9 Stat. L.,
519).

R. S., § 2479.
1877, Jan. 12, ch.
18, *ante*, p. 127.

— to South Da-
kota.

— to North Da-
kota.

— to Montana.

— to Washington.

The section of land granted by the act of June sixteenth, eighteen hundred and eighty, to the Territory of Dakota, for an asylum for the insane shall, upon the admission of said State of South Dakota into the Union, become the property of said State.

SEC. 15. That so much of the lands belonging to the United States as have been acquired and set apart for the purpose mentioned in "An act appropriating money for the erection of a penitentiary in the Territory of Dakota," approved March second, eighteen hundred and eighty-one, together with the buildings thereon, be, and the same is hereby, granted, together with any unexpended balances of the moneys appropriated therefor by said act to said State of South Dakota, for the purposes therein designated;

And the States of North Dakota and Washington shall, respectively, have like grants for the same purpose, and subject to like terms and conditions as provided in said act of March second, eighteen hundred and eighty-one, for the Territory of Dakota.

The penitentiary at Deer Lodge City, Montana, and all lands connected therewith and set apart and reserved therefor, are hereby granted to the State of Montana.

SEC. 16. That ninety thousand acres of land, to be selected and located as provided in section ten of this act, are hereby granted to each of said States, except to the State of South Dakota, to which one hundred and twenty thousand acres are granted, for the use and support of agricultural colleges in said States, as provided in the acts of Congress making donations of lands for such purpose.

SEC. 17. That in lieu of the grant of land for purposes of internal improvement made to new States by the eighth section of the act of September fourth, eighteen hundred and forty-one, which act is hereby repealed as to the States provided for by this act, and in lieu of any claim or demand by the said States, or either of them, under the act of September twenty-eighth, eighteen hundred and fifty, and section twenty-four hundred and seventy-nine of the Revised Statutes, making a grant of swamp and overflowed lands to certain States, which grant it is hereby declared is not extended to the States provided for in this act, and in lieu of any grant of saline lands to said States, the following grants of land are hereby made, to wit:

To the State of South Dakota: For the school of mines, forty thousand acres; for the reform school, forty thousand acres; for the deaf and dumb asylum, forty thousand acres; for the agricultural college, forty thousand acres; for the university, forty thousand acres; for State normal schools, eighty thousand acres; for public buildings at the capital of said State, fifty thousand acres, and for such other educational and charitable purposes as the legislature of said State may determine, one hundred and seventy thousand acres; in all five hundred thousand acres.

To the State of North Dakota a like quantity of land as is in this section granted to the State of South Dakota, and to be for like purposes, and in like proportion as far as practicable.

To the State of Montana: For the establishment and maintenance of a school of mines, one hundred thousand acres; for State normal schools, one hundred thousand acres; for agricultural colleges, in addition to the grant hereinbefore made for that purpose, fifty thousand acres; for the establishment of a State reform school, fifty thousand acres; for the establishment of a deaf and dumb asylum, fifty thousand acres; for public buildings at the capital of the State, in addition to the grant hereinbefore made for that purpose, one hundred and fifty thousand acres.

To the State of Washington: For the establishment and maintenance of a scientific school, one hundred thousand acres; for State normal schools, one hundred thousand acres; for public buildings at the State capital, in addition to the grant hereinbefore made for that purpose, one hundred thousand acres; for State charitable, edu-

cational, penal, and reformatory institutions, two hundred thousand acres.

That the States provided for in this act shall not be entitled to any further or other grants of land for any purpose than as expressly provided in this act. No further grants.

And the lands granted by this section shall be held, appropriated, and disposed of exclusively for the purposes herein mentioned, in such manner as the legislatures of the respective States may severally provide. Lands granted to be for specified uses only.

SEC. 18. That all mineral lands shall be exempted from the grants made by this act. But if sections sixteen and thirty-six, or any subdivision or portion of any smallest subdivision thereof in any township shall be found by the Department of the Interior to be mineral lands, said States are hereby authorized and empowered to select, in legal subdivisions, and equal quantity of other unappropriated lands in said States, in lieu thereof, for the use and the benefit of the commonschools of said States. Mineral lands excepted from grants, but other lands may be selected in lieu of school lands when found mineral.
R. S., §§ 2275, 2276. 1891, Feb. 28, ch. 384, post, p. 896.

SEC. 19. That all lands granted in quantity or as indemnity by this act shall be selected, under the direction of the Secretary of the Interior, from the surveyed, unreserved, and unappropriated public lands of the United States within the limits of the respective States entitled thereto. And there shall be deducted from the number of acres of land donated by this act for specific objects to said States the number of acres in each heretofore donated by Congress to said Territories for similar objects. Selections to be under direction of Secretary of Interior.

SEC. 20. [Temporary.]

SEC. 21. That each of said States, when admitted as aforesaid, shall constitute one judicial district, the names thereof to be the same as the names of the States respectively; Circuit and district courts.
R. S., §§ 530, 572, 658.

And the circuit and district courts therefor shall be (4) held at the capital of such State for the time being, and each of said districts shall, for judicial purposes, until otherwise provided, be attached to the eighth judicial circuit, except Washington and Montana, which shall be attached to the ninth judicial circuit.

There shall be appointed for each of said districts one district judge, one United States attorney, and one United States marshal. The judge of each of said districts shall receive a (5) yearly salary of three thousand five hundred dollars, payable in four equal installments, on the first days of January, April, July, and October of each year, and shall reside in the district. Judge, attorney, marshal.

There shall be appointed (4) clerks of said courts in each district, who shall keep their offices at the capital of said State. Clerks.

The regular (4) terms of said courts shall be held in each district, at the place aforesaid, on the first Monday in April and the first Monday in November of each year, and only one grand jury and one petit jury shall be summoned in both said circuit and district courts. Terms.

The circuit and district courts for each of said districts, and the judges thereof, respectively, shall possess the same powers and jurisdiction, and perform the same duties required to be performed by the other circuit and district courts and judges of the United States, and shall be governed by the same laws and regulations. Jurisdiction, &c.

The marshal, district attorney, and clerks of the circuit and district courts of each of said districts, and all other officers and persons performing duties in the administration of justice therein, shall severally possess the powers and perform the duties lawfully possessed and required to be performed by similar officers in other districts of the United States; and shall for the services they may perform, receive the fees and compensation allowed by law to other similar officers and persons performing similar duties in the State of Nebraska. Officers, powers and fees.
R. S., §§ 824-830.

SECS. 22, 23, 24. [Temporary.]

NOTES.—(4) Districts divided into divisions and times and places of holding courts and residence of clerks, fixed by the following acts: South Dakota, 1890, Feb. 24, ch. 21, post, p. 705; Washington, 1890, Apr. 5, ch. 65, post, p. 711; North Dakota, 1890, Apr. 26, ch. 261, post, p. 716.

(5) Increased to \$5,000 by 1891, Feb. 24, ch. 287, post, p. 896, and payable monthly by 1891, March 3, ch. 541, par. 11, post, p. 927.

Repeal.

SEC. 25. That all acts or parts of acts in conflict with the provisions of this act, whether passed by the legislatures of said Territories or by Congress, are hereby repealed. [February 22, 1889.]

February 23, 1889. CHAP. 205.—An act to change the date for the commencement of the March terms of the district court for the northern district of Georgia.

25 Stat. L., 690.

Georgia. Terms of district court for northern district.

Be it enacted, &c., That hereafter the regular terms of the district court for the northern district of Georgia, now held on the first Monday in March, shall commence on the second Monday in March of

R. S., § 572.

each year. [February 23, 1889.]

1882, April 25, ch. 87 and note (1), *ante*, p. 336. 1884, June 20, ch. 106, *ante*, p. 439. 1891, March 3, ch. 566, *post*, p. 954.

February 23, 1889. CHAP. 208.—An act to establish a life-saving station on the Atlantic Coast at or near the mouth of Saint George River, Maine.

25 Stat. L., 691.

Life-saving station at St. George River, Maine.

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized to establish a life-saving station at or near the mouth of Saint George River, Maine, at such point as the General Superintendent of the Life-Saving Service may recommend. [February 23, 1889.]

R. S., §§ 4242-4249.

1878, June 18, ch. 265 and note, *ante*, p. 190.

February 25, 1889. CHAP. 236.—An act to provide for writs of error or appeals to the Supreme Court of the United States in all cases involving the question of the jurisdiction of the courts below.

25 Stat. L., 693.

Supreme Court to review questions of jurisdiction of circuit courts without reference to amount.

Be it enacted &c., That in all cases where a final judgment or decree shall be rendered in a circuit court of the United States in which there shall have been a question involving the jurisdiction of the court, the party against whom the judgment or decree is rendered shall be entitled to an appeal or writ of error to the Supreme Court of the United States to review such judgment or decree without reference to the amount of the same; but in cases where the decree or judgment does not exceed the sum of five thousand dollars the Supreme Court shall not review any question raised upon the record except such question of jurisdiction; such writ of error or appeal shall be taken and allowed under the same provisions of law as apply to other writs of error or appeals except as provided in the next following section.

1891, Mar. 3, ch. 517, and note (1), § 5, *post*, pp. 901, 903.

SEC. 2. [Relates to past judgments and decrees.] [February 25, 1889.]

February 26, 1889. CHAP. 279.—An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and ninety, and for other purposes.

25 Stat. L., 719.

Revenue marine service.—two officers may be detailed for duty in office of life-saving service.

Be it enacted, &c., * * And hereafter nothing in section four of the act approved August fifth, eighteen hundred and eighty-two, entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and eighty-three, and for other purposes," shall be construed to prevent the Secretary of the Treasury from detailing not exceeding two officers of the Revenue Marine Service for duty in the office of the Life-Saving Service. *

1882, Aug. 5, ch. 339, § 4, *ante*, p. 374.

* [February 26, 1889.]

CHAP. 308.—An act to amend the laws relating to the selection and service of jurors in the supreme court of the District of Columbia.

March 1, 1889.

Be it enacted, &c., That sections seven hundred and fifty-eight and seven hundred and fifty-nine of the Revised Statutes of the United States, relating to the District of Columbia, be, and they are hereby, repealed.

SEC. 2. That section seven hundred and fifty-five of the Revised Statutes of the United States, relating to the District of Columbia, be, and it is hereby, amended so that it shall read as follows :

The supreme court in general term shall have power by rule of court to regulate the period of holding its terms, as also the periods of all the special terms, and to fix the number of such terms, and to alter the same from time to time as public convenience may require.

SEC. 3. That section eight hundred and seventy-two of the Revised Statutes of the United States, relating to the District of Columbia, be, and it is hereby, amended so as to read as follows :

No person shall be competent to act as a juror unless he be a citizen of the United States, a resident of the District of Columbia, over twenty-one and under sixty-five years of age, and a good and lawful man, who has never been convicted of a felony or misdemeanor involving moral turpitude.

SEC. 4. That sections eight hundred and fifty-five, eight hundred and fifty-six, and eight hundred and fifty-eight of the Revised Statutes of the United States, relating to the District of Columbia, be, and they hereby are, amended so as read as follows :

The term of service of jurors drawn for service in the supreme court of the District of Columbia holding a special term as a circuit court, or to serve as petit jurors in the special term as a criminal court, shall begin on the first Tuesday in each and every month in which jury trials shall be had and (subject to the provisions of section eight hundred and seven) shall terminate on the Monday preceding the first Tuesday of the following month, except when the jury shall be discharged by the court at an earlier day.

The term of service of grand jurors in the special term as a criminal court shall begin with each term of that court as fixed from time to time by the supreme court of the District of Columbia in general term, and shall end with such term, unless the jury shall sooner be discharged by the court.

At least ten days before the first Tuesday in each month when jury trials are to be had, the clerk shall publicly break the seal of the jury-box, and proceed to draw therefrom the names of twenty-six persons to serve as jurors in such circuit court, and of twenty-six other persons to serve as petit jurors in such criminal court, and at least ten days before the commencement of each special term held as a criminal court the names of twenty-three persons required to serve as grand jurors in such criminal court shall be drawn in like manner:

Provided, That when any jury shall have been actually empanelled for the trial of any cause the jurymen composing the same shall be liable to continue in service until they have been lawfully discharged from said cause.

SEC. 5. That section eight hundred and sixty-six of the Revised Statutes of the United States, relating to the District of Columbia, be, and it is hereby, amended so as to read as follows :

It shall be the duty of the marshal of the District, at least five days before the beginning of the term of service for which a jury has been selected as provided by law, to notify each person drawn by serving on him a notice in writing of his selection as a juror, of the court he is to attend, and of the day and hour he is to appear.

SEC. 6. That any person who shall have been regularly drawn as a juror, and shall thereupon have served as a juror for the period of twenty days or more, shall be exempt from further service as a

25 Stat. L., 749.

District and criminal terms supreme court D. C. abolished.

Repeal of
R. S. of D. C. §§ 758, 759.

Supreme Court of District may regulate its terms.

Substitute for
R. S. of D. C., § 755.

1879, Feb. 25, ch. 99, § 3, *ante*, p. 220.

Qualifications of jurors.

Substitute for
R. S. of D. C., § 872.

Terms of service of jurors.

Substitute for
R. S. of D. C., §§ 855, 856, 858.

1874, June 23, ch. 454, *ante*, p. 41.

1880, June 8, ch. 187, § 1, *ante*, p. 291.

Grand jurors.

Jurors for circuit and criminal courts, how drawn.

Jury to finish pending cases.

Notification of jurors drawn.

Substitute for
R. S. of D. C., § 866.

Jurors exempt for one year after service.

1880, June 8 ch. 137, § 2, *ante*, p. 291.

juror in the District of Columbia for the period of one year from the beginning of his said term of service, but nothing herein contained shall render such juror ineligible to serve as a juror during said year:

—not to serve consecutive terms.

Court may designate persons to make jury lists.

R. S. of D. C., § 851.

Selection of additional jurors.

Substitute for R. S. of D. C., § 862.

Provided, however, That no person shall be competent to serve as a juror for two consecutive terms.

SEC. 7. That section eight hundred and fifty-one of the Revised Statutes of the United States, relating to the District of Columbia, be, and the same is hereby amended by striking out therein the words "until otherwise provided by the legislative assembly."

SEC. 8. That section eight hundred and sixty-two of the Revised Statutes of the United States, relating to the District of Columbia, be, and it is hereby, amended so as to read as follows:

If any persons selected as jurors can not be found, or shall prove to be incompetent, or shall be excused from service by the court, the clerk, under the direction of the court, shall draw from the box the names of other persons to take their places. And if after the organization of the jury any vacancies occur therein, they shall be filled in like manner.

SEC. 9. That section eight hundred and sixty-three of the Revised Statutes of the United States, relating to the District of Columbia, be, and it hereby is, amended so as to read as follows:

If at any time during the impaneling of a jury in any other than a capital case the regular panel, by reason of challenge or otherwise, shall be exhausted before the jury is complete, the court may in its discretion direct the clerk to draw from the box the names of other persons to serve as jurors and cause them to be summoned, or order the marshal to summon as many talesmen as may be necessary to complete the jury.

Completion of panel.

Substitute for R. S. of D. C., § 863.

When act takes effect.

SEC. 10. That this act shall take effect on the fifteenth day of July, eighteen hundred and eighty-nine. [March 1, 1889.]

March 1, 1889.

CHAP. 309.—An act to extend the limits of the port of Portland as a port of entry.

25 Stat. L., 750.

Port of Portland, Oregon, extended.

R. S., § 2586.
1882, April 25, ch. 88, par. 4, *ante*, p. 337.

Be it enacted, &c., That the limits of the port of Portland, in the State of Oregon, as a port of entry, be, and the same are hereby, extended so as to include all that portion of the east bank of the Willamette River lying opposite to the city of Portland, for a distance of one mile in width, and extending from the south boundary-line of the corporate limits of the city of Portland down said east bank of said river to a point directly opposite to the lower end of Swan Island, in said river. [March 1, 1889.]

March 1, 1889.

CHAP. 311.—An act establishing a customs-collection district in Florida, to be known as the collection district of Tampa, and for other purposes.

25 Stat. L., 751.

Tampa, Fla., made a customs collection district.

R. S., § 2562.
1886, May 1, Res. No. 12, *ante*, p. 516.
1887, July 28, ch. 275, *ante*, p. 547.
1890, April 3, ch. 62, *post*, p. 711.

Boundaries.

Be it enacted, &c., That a customs collection district be, and the same is hereby, established on the gulf coast of the State of Florida, to be known as the collection district of Tampa.

SEC. 2. That said district shall include the territory south of a line immediately north of Anclote Key light-house, running easterly across the peninsula to Indian River, and thence south to a point opposite to and north of Charlotte Harbor, and thence westerly across the peninsula to the coast north of Charlotte Harbor, and midway between Manatee Bay and Peace River and Charlotte Harbor.

SEC. 3. That the collector for the port of Tampa shall be appointed by the President, by and with the advice and consent of the Senate, and shall be paid a salary of two thousand dollars per annum.

Collector.

There shall also be appointed an appraiser and such inspecting and other officers as the Secretary of the Treasury shall consider useful or necessary for the transaction of the business of the port and for the prevention of smuggling within the district. [March 1, 1889.]

Appraiser, &c.

CHAP. 319.—An act to provide for taking the eleventh and subsequent censuses.

March 1, 1889.

Be it enacted, &c., That a census of the population, wealth, and industry of the United States shall be taken as of the date of June first, eighteen hundred and ninety.

25 Stat. L., 760.
Eleventh census
as of June 1, 1890.

SEC. 2. That there shall be established in the Department of the Interior an office to be denominated the Census Office, the chief officer of which shall be called the Superintendent of Census, whose duty it shall be, under the direction of the head of the Department, to superintend and direct the taking of the Eleventh Census of the United States, in accordance with the laws relating thereto, and to perform such other duties as may be required of him by law.

Census Office.

Superintendent.

SEC. 3. The Superintendent of Census shall be appointed by the President, by and with the advice and consent of the Senate; and he shall receive an annual salary of six thousand dollars; and for the purposes of taking the Eleventh Census of the United States, the Secretary of the Interior may from time to time as the necessity therefor arises appoint a chief clerk and one disbursing clerk of the Census Office at an annual salary each of twenty-five hundred dollars, two stenographers, ten chiefs of division at an annual salary each of two thousand dollars, ten clerks of class four, twenty clerks of class three, thirty clerks of class two, with such number of clerks of class one, and of clerks, copyists, and computers, at salaries of not less than seven hundred and twenty dollars nor more than one thousand dollars per annum, as may be found necessary for the proper and prompt compilation of the results of the enumeration of the census herein provided to be taken.

—his appointment.

—salary.

Clerical force.

And the Secretary of the Interior may also appoint one captain of the watch at a salary of eight hundred and forty dollars per annum, two messengers and such number of watchmen and assistant messengers, laborers and skilled laborers at six hundred dollars each per annum, and messenger boys at salaries of four hundred dollars each per annum, and charwomen at salaries of two hundred and forty dollars each per annum, as may be found necessary to carry out the provisions of this act. And upon such compilation and publication of said census, or at an earlier date, in the discretion of the Secretary of the Interior, the period of service of said clerks and employees shall end:

Captain of
watch, watchmen
and messengers.

Provided, That clerks transferred or detailed for service under this act from existing branches of the civil service shall not lose their positions or rights under the act to regulate and improve the civil service of the United States. All of the clerks of classes four, three, and two, above provided for, may be statistical experts. The disbursing clerk herein provided for shall, before entering upon his duties, give bond to the Treasurer of the United States in the sum of fifty thousand dollars, which bond shall be conditioned that the said officer shall render a true and faithful account to the Treasurer, quarter-yearly, of all moneys and properties which shall be by him received by virtue of his office, with sureties to be approved by the Solicitor of the Treasury. Such bond 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. All examinations for appoint-

Transfers of
clerks from other
service.

Disbursing
clerk's bond.

ment and promotion, under this act, shall be in the discretion and under the direction of the Secretary of the Interior.

Supervisors.

SEC. 4. That the Secretary of the Interior shall, on or before the first day of March, eighteen hundred and ninety, on the recommendation of the Superintendent of Census, designate the number, whether one or more, of Supervisors of census, to be appointed within each State and Territory, and the District of Columbia, who shall be appointed by the President of the United, by and with the advice and consent of the Senate. The number of such supervisors shall not exceed one hundred and seventy-five.

Official oaths.

The Superintendent and the supervisors shall, before entering upon the duties of their offices, respectively, take and subscribe the following oath or affirmation: I, _____ (Superintendent or supervisor, as the case may be), do solemnly swear or affirm that I will support the Constitution of the United States, and perform and discharge the duties of the office of (Superintendent or supervisor, as the case may be), according to law, honestly and correctly, to the best of my ability; which oaths shall be filed in the office of the Secretary of the Interior.

Supervisor's duties.

SEC. 5. Each Supervisor of census shall be charged with the performance, within his own district, of the following duties: To propose to the Superintendent of Census the division of his district into subdivisions most convenient for the purpose of enumeration; to designate to the Superintendent of Census suitable persons, and, with the consent of said Superintendent, to employ such persons as enumerators within his district, one for each subdivision, and resident therein, who shall be selected solely with reference to fitness, and without reference to their political party affiliations, according to the division approved by the Superintendent of Census:

Preferences of appointment to persons discharged from military or naval service.

Provided, That in the appointment of enumerators, preference shall, in all cases be given to properly qualified persons honorably discharged from the military or naval service of the United States residing in their respective districts; but in case it shall occur in any enumeration district that no person qualified to perform and willing to undertake the duties of enumerator resides in that district, the supervisor may appoint any fit person, resident in the county, to be the enumerator of that district; to transmit to enumerators the printed forms and schedules issued from the Census Office, in quantities suited to the requirements of each subdivision; to communicate to enumerators the necessary instructions and directions relating to their duties, and to the methods of conducting the census, and to advise with and counsel enumerators in person and by letter, as freely and fully as may be required to secure the purposes of this act; and under the direction of the Superintendent of Census, and to facilitate the taking of the census with as little delay as possible, he may cause to be distributed by the enumerators, prior to the taking of the enumeration, schedules to be filled up by householders and others; to provide for the early and safe transmission to his office of the returns of enumerators, embracing all the schedules filled by them in the course of enumeration, and for the due receipt and custody of such returns pending their transmission to the Census Office; to examine and scrutinize the returns of enumerators, in order to ascertain whether the work has been performed in all respects in compliance with the provisions of law, and whether any town or village or integral portion of the district has been omitted from enumeration; to forward to the Superintendent of Census the completed returns of his district in such time and manner as shall be prescribed by the said Superintendent, and in the event of discrepancies or deficiencies appearing in the returns from his district, to use all diligence in causing the same to be corrected or supplied; to make up and forward to the Superintendent of Census the accounts required for ascer-

Other duties of supervisors.

Schedule for householders.

Returns.

taining the amount of compensation due under the provisions of this act to each enumerator of his district.

Whenever it shall appear that any portion of the enumeration and census provided for in this act has been negligently or improperly taken and is by reason thereof incomplete, the Superintendent of the Census, with the approval of the Secretary of the Interior, may cause such incomplete and unsatisfactory enumeration and census to be amended or made anew under such methods as may, in his discretion, be practicable. Incomplete returns.

SEC. 6. Each supervisor of census shall, upon the completion of his duties to the satisfaction of the Secretary of the Interior, receive the sum of one hundred and twenty-five dollars, and in addition thereto, in thickly-settled districts, one dollar for each thousand or majority fraction of a thousand of the population enumerated in his district, and in sparsely-settled districts one dollar and forty cents for each thousand or majority fraction of a thousand of the population enumerated in such district; such sums to be in full compensation for all services rendered and expenses incurred by him, except that an allowance for clerk-hire may be made, at the discretion of the Superintendent of Census: Supervisor's compensation and clerk hire.

Provided, That, in the aggregate, no supervisor shall be paid less than the sum of (1) five hundred dollars. The designation of the compensation per thousand, as provided in this section, shall be made by the Secretary of the Interior at least one month in advance of the date for the commencement of the enumeration. —minimum pay.

SEC. 7. That all mail matter of whatever class, relative to the census and addressed to the Census Office, to the Superintendent of Census, his chief clerk, supervisors or enumerators; and indorsed "Official business, Department of the Interior, Census Office," shall be transported free of postage; and if any person shall make use of any such indorsement to avoid the payment of postage on his private letter, package, or other matter in the mail, the person so offending shall be deemed guilty of a misdemeanor, and subject to a fine of three hundred dollars, to be prosecuted in any court of competent jurisdiction. Mail to Census Office to be sent free. 1890, May 21. ch. 234, post, p. 742.

SEC. 8. No enumerator shall be deemed qualified to enter upon his duties until he has received from the supervisor of census of the district to which he belongs a commission, under his hand, authorizing him to perform the duties of an enumerator, and setting forth the boundaries of the subdivision within which such duties are to be performed by him. He shall, moreover, take and subscribe the following oath or affirmation: Enumerators,

"I, _____, an enumerator for taking the _____ census of the United States, do solemnly swear (or affirm) that I will make a true and exact enumeration of all the inhabitants within the subdivision assigned to me, and will also faithfully collect all other statistics therein, as provided for in the act for taking the _____ census, and in conformity with all lawful instructions which I may receive, and will make due and correct returns therefor as required by said act, and will not disclose any information contained in the schedules, lists, or statements obtained by me to any person or persons, except to my superior officers. —oath of office.

(Signed) _____"

Which said oath or affirmation may be administered by any judge or clerk of a court of record, or any justice of the peace, or notary public empowered to administer oaths; which oath, duly authenticated, shall be forwarded to the supervisor of census before the date fixed herein for the commencement of the enumeration.

SEC. 9. It shall be the duty of each enumerator, after being qualified in the manner aforesaid, to visit personally each dwelling-house —duties of.

in his subdivision, and each family therein, and each individual living out of a family in any place of abode, and by inquiry made of the head of such family, or of the member thereof deemed most credible and worthy of trust, or of such individual living out of a family, to obtain each and every item of information and all the particulars required by this act, as of date June first, eighteen hundred and ninety.

How information obtained if family not at home.

And in case no person shall be found at the usual place of abode of such family or individual living out of a family competent to answer the inquiries made in compliance with the requirements of this act, then it shall be lawful for the enumerator to obtain the required information, as nearly as may be practicable, from the family or families, or person or persons, living nearest to such place of abode.

Enumeration of Indians.

The Superintendent of Census may employ special agents or other means to make an enumeration of all Indians living within the jurisdiction of the United States, with such information as to their condition as may be obtainable, classifying them as to Indians taxed, and Indians not taxed.

Schedules.

SEC. 10. And it shall be the duty of each enumerator to forward the original schedules, duly certified, to the supervisor of census of his district, as his returns under the provisions of this act.

Compensation of enumerators.

SEC. 11. The compensation of enumerators shall be ascertained and fixed as follows: In subdivisions where the Superintendent of Census shall deem such allowance sufficient, an allowance not exceeding two cents for each living inhabitant, two cents for each death reported, fifteen cents for each farm, and twenty cents for each establishment of productive industry enumerated and returned, and for each surviving soldier, sailor, or marine, or widow of such soldier, sailor, or marine returned five cents, may be given in full compensation for all services:

—in advance,

Provided, That the subdivisions to which the above rate of compensation shall apply must be designated by the Superintendent of Census at least one month in advance of the enumeration.

Rates of compensation for all other subdivisions shall be fixed in advance of the enumeration by the Superintendent of Census, with the approval of the Secretary of the Interior, according to the difficulty of enumeration, having reference to the nature of the region to be canvassed and the density or sparseness of settlement, or other considerations pertinent thereto;

—maximum and minimum rates.

1890, March 19.
Res. No. 12, post,
p. 883.

But the compensation allowed to any enumerator in any such district shall not be less than three dollars nor more than six dollars per day of ten hours actual field-work each, when a per diem compensation shall be established by the Secretary of the Interior; nor more than three cents for each living inhabitant, twenty cents for each farm, and thirty cents for each establishment of productive industry enumerated and returned, when a per capita compensation shall be deemed advisable by the Secretary of the Interior.

—mileage.

No claim for mileage or traveling expenses shall be allowed any enumerator in either class of subdivisions, except in extreme cases, and then only when authority has been previously granted by the Superintendent of Census.

Keeping accounts.

The Superintendent of Census shall prescribe uniform methods and suitable forms for keeping accounts of the number of people enumerated or of the time occupied in field-work for the purpose of ascertaining the amounts due to enumerators, severally, under the provisions of this act.

Extent of subdivisions.

SEC. 12. That the subdivision assigned to any enumerator shall not exceed four thousand inhabitants, as near as may be, according to estimates based on the Tenth Census. The boundaries of all subdivisions shall be clearly described by civil divisions, rivers, roads, public surveys, or other easily distinguished lines.

SEC. 13. That any supervisor or enumerator, who, having taken and subscribed the oath required by this act, shall, without justifiable cause, neglect or refuse to perform the duties enjoined on him by this act, or shall, without the authority of the Superintendent, communicate to any person not authorized to receive the same, any information gained by him in the performance of his duties, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not exceeding five hundred dollars; or, if he shall willfully and knowingly swear or affirm falsely, he shall be deemed guilty of perjury, and, on conviction thereof, shall be imprisoned not exceeding three years, and be fined not exceeding eight hundred dollars; or if he shall willfully and knowingly make false certificates or fictitious returns, he shall be deemed guilty of a misdemeanor, and, upon conviction of either of the last-named offenses, he shall be fined not exceeding five thousand dollars and be imprisoned not exceeding two years.

Punishment of officers for malfeasance.

SEC. 14. That if any person shall receive or secure to himself any fee, reward, or compensation as a consideration for the appointment or employment of any person as enumerator or clerk or other employee, or shall in any way receive or secure to himself any part of the compensation provided in this act for the services of any enumerator or clerk or other employee, he shall be deemed guilty of a misdemeanor and, on conviction thereof, shall be fined not more than three thousand dollars, or be imprisoned not more than one year or both, in the discretion of the court.

—for receiving pay for securing appointments.

SEC. 15. That each and every person more than twenty years of age belonging to any family residing in any enumeration district or subdivision, and in case of the absence of the heads and other members of any such family, then any representative of such family shall be, and each of them hereby is, required, if thereto requested by the Superintendent, supervisor, or enumerator to render a true account to the best of his or her knowledge, of every person belonging to such family, in the various particulars required by law, and whoever shall willfully fail or refuse shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not exceeding one hundred dollars.

Punishment for refusing to give information.

1890, Aug. 14, ch. 735, *post*, p. 779.
45 Fed. Rep., 191.

And every president, treasurer, secretary, agent, director, or other officer of every corporation from which answers to any of the schedules provided for by this act are herein required, who shall, if thereto requested by the Superintendent, supervisor, or enumerator, willfully neglect or refuse to give true and complete answers to any inquiries authorized by this act, or shall willfully give false information, shall be guilty of a misdemeanor and on conviction thereof shall be fined not exceeding ten thousand dollars, to which may be added imprisonment for a period not exceeding one year.

Officers of cor- porations who neglect to give answers to inquiries.

SEC. 16. That all fines and penalties imposed by this act may be enforced by indictment or information in any court of competent jurisdiction.

Enforcement of penalties.

SEC. 17. That the schedules of inquiries at the Eleventh Census shall be the same as those contained in section number twenty-two hundred and six of the Revised Statutes of the United States, of eighteen hundred and seventy-eight, as amended by section seventeen of the act entitled "An act to provide for taking the Tenth and subsequent censuses", approved March third, eighteen hundred and seventy-nine, with such changes of the subject-matter, emendations, and modifications as may be approved by the Secretary of the Interior; it being the intent of this section to give to said Secretary full discretion over the form of the schedules of such inquiries:

Schedules.

R. S., § 2206.
1879, March 3,
ch. 195, § 17, *ante*,
p. 258.
1880, April 20,
ch. 57, *ante*, p. 281.
1890, Aug. 14, ch.
735, *post*, p. 779.

Provided, however, That said Superintendent shall, under the authority of the Secretary of the Interior, cause to be taken on a special schedule of inquiry, according to such form as he may prescribe, the names, organizations, and length of service of those who had served

Special inquiries.
1890, Feb. 22, ch.
19, *post*, p. 705.

in the Army, Navy, or Marine Corps of the United States in the war of the rebellion, and who are survivors at the time of said inquiry, and the widows of soldiers, sailors or marines:

Negroes, &c.

And provided, That the population schedule shall include an inquiry as to the number of negroes, mulattoes, quadroons, and octo-
roons.

**Report from cor-
porations.**

The report which the Superintendent of Census (if directed by said Secretary) is required to obtain from railroad corporations, incorporated express companies, telegraph companies, and insurance companies, and from all corporations or establishments reporting products other than agricultural products, shall be of and for the fiscal year of such corporations or establishments having its termination nearest to the first of June, eighteen hundred and ninety;

Alaska resources.

The Superintendent of Census shall collect and publish the statistics of the population, industries, and resources of the district of Alaska, with such fullness as he may deem expedient, and as he shall find practicable under the appropriations made, or to be made, for the expenses of the Eleventh Census.

**Record indebt-
edness of private
corporations and
individuals.**

He shall also, at the time of the general enumeration herein provided for, or prior thereto, as the Secretary of the Interior may determine, collect the statistics of and relating to the recorded indebtedness of private corporations and individuals, and make report thereon to Congress; and he shall collect, from official sources, information relating to animals not on farms.

**Volumes to be
published.**

The only volumes that shall be prepared and published in connection with said census shall relate to population and social statistics relating thereto, the products of manufactories, mining and agriculture, mortality and vital statistics, valuation and public indebtedness, recorded indebtedness, and to statistics relating to railroad corporations, incorporated express, telegraph and insurance companies, a list of the names, organizations, and length of service of surviving soldiers, sailors and marines, and the widows of soldiers, sailors and marines.

**Collection of
special statistics.**

SEC. 18. That each enumerator in his subdivision shall be charged with the collection of the facts and statistics required by each and all the several schedules, with the following exceptions, to wit:

Deaths.

In cities or States where an official registration of deaths is maintained, the Superintendent of Census, may in his discretion, withhold the mortality schedule from the several enumerators within such cities or States, and may obtain the statistics required by this act through official records, paying therefor such sum as may be found necessary, not exceeding the amount which is by this act authorized to be paid to enumerators for a similar service, namely, two cents for each death thus returned.

Manufactures.

Whenever he shall deem it expedient, the Superintendent of Census may withhold the schedules for manufacturing, mining, and social statistics from the enumerators of the several subdivisions, and may charge the collection of these statistics upon experts and special agents, to be employed without respect to locality.

**Expert and special
agents to obtain
statistics of
manufacturing,
railroad, mining,
&c.**

And said Superintendent may employ experts and special agents to investigate and ascertain the statistics of the manufacturing, railroad, fishing, mining, cattle, and other industries of the country, and of telegraph, express, transportation, and insurance companies as he may designate and require.

**Preparation of
questions.**

And the Superintendent of Census shall, with the approval of the Secretary of the Interior, prepare schedules containing such interrogatories as shall, in his judgment, be best adapted to elicit this information, with such specifications, divisions, and particulars under each head as he shall deem necessary to that end.

**Oath and pay of
experts.**

Such experts and special agents shall take the same oath as the enumerators of the several subdivisions, and shall have equal authority with such enumerators in respect to the subjects committed

to them, and they shall receive compensation at rates to be fixed by the Superintendent of Census with the approval of the Secretary of the Interior.

Provided, That the same shall in no case exceed six dollars per day and (2) actual traveling expenses.

SEC. 19. That the enumeration required by this act shall commence on the first Monday of June, eighteen hundred and ninety, and be taken as of that date, and each enumerator shall prosecute the canvass of his subdivision from that date forward on each week-day without intermission, except for sickness or other urgent cause; and any unnecessary cessation of his work shall be sufficient ground for his removal and the appointment of another person in his place; and any person so appointed shall take the oath required of enumerators, and shall receive compensation at the same rates.

And it shall be the duty of each enumerator to complete the enumeration of his district, and to prepare the returns hereinbefore required to be made, and to forward the same to the supervisor of his district on or before the first day of July, eighteen hundred and ninety, and in any city having over ten thousand inhabitants under the census of eighteen hundred and eighty, the enumeration of population shall be taken within two weeks from the first Monday of June; and any delay beyond the dates above respectively, on the part of any enumerator, shall be sufficient cause for withholding the compensation to which he would be entitled by compliance with the provisions of this act, until proof satisfactory to the Superintendent of Census shall be furnished that such delay was by reason of causes beyond the control of such enumerator.

SEC. 20. That the sum of six million four hundred thousand dollars is hereby fixed and limited as the maximum cost of the census herein provided for, exclusive of printing, engraving, and binding, and it shall not be lawful for the Secretary of the Interior or the Superintendent of Census to incur any expense or obligation whatever, in respect to said census, in excess of that sum;

And the sum of one million dollars is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be immediately available, and continue available until the completion of the Eleventh Census.

SEC. 21. That the Secretary of the Interior is hereby authorized whenever he may think proper, to call upon any other Department or office of the Government, for information pertinent to the enumeration herein required.

SEC. 22. Any supervisor of census may, with the consent of the Superintendent of Census, remove any enumerator in his district, and fill the vacancy thereby caused or otherwise occurring; and in such cases but one compensation shall be allowed for the entire service, to be apportioned among the persons performing the same in the discretion of the Superintendent of the Census.

SEC. 23. That upon the request of any municipal government, meaning thereby the incorporated government of any town, village, township, or city, or kindred municipality, the Superintendent of Census shall furnish such government with a copy of the names, with age, sex, birthplace and color, or race, of all persons enumerated within the territory in the jurisdiction of such municipality, and such copies shall be paid for by such municipal government at the rate of twenty-five cents for each one hundred names, and all sums so received by the Superintendent of Census shall be accounted for in such way as the Secretary of the Interior shall direct, and covered into the Treasury of the United States to be placed to the credit of, and in addition to, the appropriation herein made for taking the Eleventh Census.

NOTE.—(2) The words "actual traveling expenses" are stricken out and "a per diem allowance in lieu of subsistence of three dollars per day," inserted by 1890, April 3, ch. 61, *post*, p. 711.

Maximum pay.

Commencement of enumeration.

Returns to be forwarded July 1, 1890.

Limit of cost.

Appropriation.

Information from Departments.

Removal of enumerators.

Municipal governments may be furnished with names, &c., of persons enumerated.

Secretary of Interior to direct expenses.

SEC. 24. That the Secretary of the Interior may authorize the expenditure of necessary sums for the traveling expenses of the officers and employees connected with the taking of the census, and the incidental expenses essential to the carrying out of this act, including the rental of convenient quarters in the District of Columbia and the furnishing thereof, and an outfit for printing small blanks, tally-sheets, circulars, and so forth, and shall from time to time make a detailed report to Congress of such expenditures.

Repeal. R. S., §§ 2175—2206.

1879, March 3, ch. 195, ante, p. 258, and 20 Stat. L., 473.

SEC. 25. That the act entitled "An act to provide for the taking of the Tenth and subsequent census", approved March third, eighteen hundred and seventy-nine, and all laws and parts of laws inconsistent with the provisions of this act are hereby repealed; and all censuses subsequent to the Eleventh Census shall be taken in accordance with the provisions of this act, unless Congress shall hereafter otherwise provide. [March 1, 1889.]

March 1, 1889. 25 Stat. L., 770.

CHAP. 323.—An act providing for the establishment of a life-saving station at mouth of Coquille River, Oregon.

Life-saving station at mouth of Coquille River, Oregon. R. S., § 4242-4249.

Be it enacted, &c., That a life Saving Station be and is hereby established at mouth of Coquille River, in Coos County, in the State of Oregon. [March 1, 1889.]

1878, June 18, ch. 265, and note, ante, p. 190.

March 1, 1889. 25 Stat. L., 772.

CHAP. 327.—An act to establish the Lincoln Land District in the Territory of New Mexico.

New Mexico, Lincoln land district established. R. S., § 2256. 1874, March 3, ch. 43, ante, p. 4. 1888, Dec. 18, ch. 6, ante, p. 637.

Be it enacted, &c., That all that portion of the Territory of New Mexico embraced in the following described boundaries to wit, beginning at a point on the line running north and south between the State of Texas and the Territory of New Mexico, where such line would be intersected by the township line between townships numbers one and two north of the base line, and running thence west to the south-west corner of San Miguel County along the line between the Counties of Lincoln and San Miguel, said south-west corner being on said line in range number nineteen west of the New Mexico principal meridian, thence north to the south-east corner of Valencia County, a distance of about four miles, thence west on the south line of Valencia County parallel with the line between townships numbered one and two through township number two north to the east line of range number eight east of the New Mexico principal meridian, thence south along said range line between ranges numbered eight and nine east of said principal meridian to the second standard parallel south on the line between townships numbered ten and eleven south of the base line, thence east along said parallel to the line between ranges numbered ten and eleven south of the base line, thence south along said range line to the township line between townships numbered twelve and thirteen south, thence east along said last named line to the meridian of longitude number twenty-eight degrees thirty minutes west from Washington, thence south along said meridian line to the line of the State of Texas, thence east along said line to the south-east corner of the Territory of New Mexico and thence north along the boundary line between the State of Texas and the Territory of New Mexico to the point of beginning, shall be constituted a separate land district to be known as the Lincoln Land District, and the office of said district shall be located at the town of Roswell in said Territory.

Office at Roswell.

Register and receiver.

SEC. 2. That the President of the United States shall nominate and by and with the advice and consent of the Senate appoint a

register and receiver of the public moneys of the United States for said district, who shall reside in the place where said land office is located and shall have the same powers, perform the same duties and receive the same emoluments as are or may be prescribed by laws and regulations in relation to other land officers in the Territories of the United States. [March 1, 1889.]

R. S., § 2234.

CHAP. 328.—An act to provide for the organization of the militia of the District of Columbia.

March 1, 1889.

Be it enacted, &c., That every able-bodied male citizen resident within the District of Columbia, of the age of eighteen years and under the age of forty-five years, excepting persons exempted by section two, and idiots, lunatics, common drunkards, vagabonds, paupers, and persons convicted of any infamous crime, shall be enrolled in the militia. Persons so convicted after enrollment shall forthwith be disenrolled; and in all cases of doubt respecting the age of a person enrolled, the burden of proof shall be upon him.

25 Stat. L., 772.
District of Co-
lumbia.
Militia organ-
ized.
R. S. of D. C., §§
1192-1206.

SEC. 2. That in addition to the persons exempted from enrollment in the militia by the general laws of the United States, the following persons shall also be exempted from enrollment in the militia of the District of Columbia, namely: Officers of the government of the District of Columbia; judges and officers of the courts of the District of Columbia; officers who have held commissions in the Regular or Volunteer Army or Navy of the United States; officers who have served for a period of five years in the militia of the District of Columbia or of any State of the United States; ministers of the gospel; practicing physicians; conductors and engine-drivers of railroad trains; members of the paid police and fire department.

Exemptions.

SEC. 3. That the Commissioners of the District of Columbia shall provide for the enrollment of the militia, and for this purpose may require the assessors of taxes, at the same time they are engaged in taking the assessment of valuation of real and personal property, to make a list of persons liable to enrollment; and such record shall be deemed a sufficient notification to all persons whose names are thus recorded that they have been enrolled in the militia. Immediately after the completion of each enrollment they shall furnish the commanding-general of the militia with a copy of the same.

Assessors to en-
roll.
1883, March 3,
ch. 137, ante, p.
413.
1891, March 3,
ch. 546, par. 2,
post, p. 931.

SEC. 4. That the enrolled militia shall not be subject to any duty except when called into the service of the United States, or to aid the civil authorities in the execution of the laws or suppression of riots.

Duty of enrolled militia.

SEC. 5. That whenever it shall be necessary to call out any portion of the enrolled militia the commander-in-chief shall order out, by draft or otherwise, or accept as volunteers as many as required. Every member of the enrolled militia who volunteers, or who is ordered out or drafted under the provisions of this act, who does not appear at the time and place designated, may be arrested by order of the commanding general and be tried and punished by a court-martial. The portion of the enrolled militia ordered out or accepted shall be mustered into service for such period as may be required, and the commanding general may assign them to existing organizations of the active militia, or may organize them as the exigencies of the occasion may require.

Ordering into service.

SEC. 6. That the President of the United States shall be the commander-in-chief of the militia of the District of Columbia.

Commander-in-chief.

SEC. 7. That there shall be appointed and commissioned by the President of the United States a commanding general of the militia of the District of Columbia, with the rank of brigadier-general, who shall hold office until his successor is appointed and qualified, but may be removed at any time by the President.

Commanding general.

Staff officers.

SEC. 8. That the staff of the militia of the District of Columbia shall be appointed and commissioned by the President, and hold office until their successors are appointed and qualified, but may be removed at any time by the President. It shall consist of one adjutant-general, with the rank of lieutenant-colonel; one inspector-general, one quartermaster-general, one commissary-general, one chief of ordnance, one chief engineer, one surgeon-general, one judge-advocate-general, and one inspector-general of rifle practice, each with the rank of major; and four aids-de-camp, each with the rank of captain.

Non-commissioned staff.

The commanding general may appoint a non-commissioned staff of the militia, to consist of one sergeant-major, one quartermaster-sergeant, one commissary-sergeant, one ordnance sergeant, two staff sergeants, one hospital-steward, one color-sergeant, and one sergeant-bugler.

Detail of army officer for adjutant-general.

SEC. 9. That the President may assign an officer of the Army to act as adjutant-general of the militia of the District of Columbia, who, while so assigned, shall be commissioned as such and be subject to the orders of the commanding general and the provisions of this act:

—without additional pay.

Provided, however, That the officer so assigned shall receive no other pay or emoluments than that to which his rank in the Army entitles him when on detached service.

THE ACTIVE MILITIA: ITS ORGANIZATION.

Active militia to be designated the National Guard of the District of Columbia.

SEC. 10. That the active militia shall be composed of volunteers, and shall be designated the National Guard of the District of Columbia; and in case the militia of the District of Columbia are called into the service of the United States, or required for the suppression of riots, or to aid civil officers in the execution of the laws, shall be the first to be ordered into service.

Peace basis.

SEC. 11. That in time of peace the National Guard shall consist of not more than twenty-eight companies of infantry, which shall be arranged by the commanding general into such regiments, battalions, and unattached companies as he may deem expedient; one battery of light artillery; one signal corps; one ambulance corps; one engineer corps; one band of music, and one corps of field musicians.

Infantry regiments.

SEC. 12. That regiments of infantry shall consist of three battalions; and to each regiment there shall be one colonel and one lieutenant-colonel, and a staff to consist of one surgeon, one adjutant, one quartermaster, one inspector of rifle practice, and one chaplain, each with the rank of captain; and a non-commissioned staff, consisting of one sergeant-major, one quartermaster-sergeant, one commissary-sergeant, and one hospital-steward.

—battalions.

SEC. 13. That battalions of infantry shall consist of four companies; and to each battalion there shall be one major; and a staff consisting of one surgeon, one adjutant, one quartermaster, and one inspector of rifle practice, each with the rank of first lieutenant; and a non-commissioned staff, consisting of one sergeant-major, one quartermaster-sergeant, and one hospital-steward.

—companies.

SEC. 14. That to each company of infantry there shall be one captain, one first lieutenant, one second lieutenant, one first sergeant, four sergeants, one corporal to each ten privates, and not more than eighty-seven privates; and the minimum number of enlisted men shall be forty.

Artillery battery.

SEC. 15. That the battery of light artillery shall have not less than four nor more than six guns. To four guns, there shall be one captain, two first lieutenants, one second lieutenant, one first sergeant, one quartermaster-sergeant, five sergeants, eight corporals, two buglers, and not more than eighty-two privates; and the minimum

number of enlisted men shall be fifty-seven. To more than four guns there shall be, for each additional gun, one sergeant, two corporals, and not more than twenty nor less than ten privates; for two additional guns there shall be one additional second lieutenant.

SEC. 16. That to each signal corps, ambulance corps, and engineer corps, there shall be one first lieutenant, two sergeants, two corporals, and not more than thirty-two nor less than fourteen privates.

Signal, ambulance, and engineer corps.

SEC. 17. That the band of music shall consist of one chief musician, two sergeants, two corporals, and thirty-two privates; and the corps of field music of one principal musician, two sergeants, two corporals, and thirty-two privates. The chief musician, principal musician, and other non-commissioned officers of the band and field music shall be appointed by the commanding general.

Band.

SEC. 18. That when any company of the National Guard shall, for a period of not less than ninety days, contain less than the minimum number of enlisted men prescribed by this act, or upon a duly ordered inspection, shall be found to have fallen below a proper standard of efficiency, the commanding general may either disband such company or consolidate it with any other company of the National Guard, and grant an honorable discharge to the supernumerary officers and non-commissioned officers produced by such consolidation. Officers and enlisted men discharged by reason of such disbanding or consolidation and at any time thereafter re-entering the service shall have allowed to them, as part of their term of service, the time already served.

Disbanding companies below minimum.

ELECTION, APPOINTMENT, AND DISCHARGE OF COMMISSIONED OFFICERS.

SEC. 19. That all officers shall be commissioned by the President of the United States. In time of peace, or when not in the service of the United States, they shall previously be elected or nominated as herein provided. No person commissioned as an officer shall assume such rank, or enter upon the duties of the office to which he may be commissioned, until he has accepted such commission and taken such oath or affirmation as may be prescribed.

Officers to be commissioned by President.

SEC. 20. That the staff officers of a regiment or battalion shall be nominated by the permanent commander thereof.

Acceptance and oath.

SEC. 21. That field officers of regiments or battalions shall be nominated by the commanding general.

Nomination of staff officers.

Captains and lieutenants of companies shall be elected by the written votes of the enlisted men of the respective companies.

—of field officers.

SEC. 22. That elections of officers shall be ordered and held under such regulations as may be prescribed by the commanding general.

Company officers, how elected. Elections.

SEC. 23. That every person accepting an election or nomination as an officer shall appear before an examining board, to be appointed by the commanding general, which board shall examine said officer as to his military and other qualifications. If any officer shall fail to appear before the board of examination within thirty days after being notified, or shall fail to pass a satisfactory examination, the facts shall be certified by the board to the commanding general, who shall thereupon declare the election or nomination of such officer null and void. If, in the opinion of the board such officer is competent, and otherwise qualified, they shall certify the fact to the commanding general, who shall thereupon recommend him to the President for commission.

Examination of officers nominated.

SEC. 24. That a commissioned officer may be honorably discharged—

Discharges.

Upon tender of resignation;

Upon disbandment of the organization to which he belongs;

Upon report of a board of examination, or for failure to appear before such board when ordered.

He may be dismissed upon the sentence of a court-martial; conviction in a court of justice of an infamous offense.

THE APPOINTMENT AND REDUCTION OF NON-COMMISSIONED OFFICERS.

Non-commissioned officers.
Appointment.

SEC. 25. That non-commissioned staff officers shall be appointed by the permanent commander of the organization to which they belong; and permanent commanders of battalions shall appoint the non-commissioned officers of companies, upon the written nomination of the respective captains; but they may withhold such appointment if, in their judgment, there be proper cause; non-commissioned officers of unattached companies shall be appointed by their respective captains. The permanent commander of any battalion or unattached company may reduce to the ranks any company non-commissioned officers of his command.

Reduction to ranks.

ENLISTMENT AND DISCHARGE OF SOLDIERS.

Enlistment for three years.

SEC. 26. Enlistment in the National Guard shall be for the term of three years: *Provided, however,* That any soldier who may have received an honorable discharge, by reason of the expiration of his term of service, may, within thirty days thereafter, re-enlist for a term of one, two, or three years, to date from the expiration of his previous term. All terms of service, except in case of re-enlistment, shall commence at noon on the day of enlistment, and expire at noon on the day of discharge.

Re-enlistment.

Oath.

SEC. 27. Every person enlisting in the National Guard shall sign an enlistment paper which shall contain an oath of allegiance to the United States. The requisites and regulations for enlistment and the form of enlistment paper and oath for enlisting men, shall be prescribed by the commanding general.

Discharges: Honorable.

SEC. 28. That no enlisted man shall be honorably discharged before the expiration of his term of service, except by order of the commanding general, and for the following reasons:

Upon his own application, approved by the commanding officer of his company, and by superior commanders;

Upon removal from the District;

Upon disability, established by certificate of medical officer;

To accept promotion by commission;

Whenever, in the opinion of the commanding general, the interest of the service demand such discharge.

Dishonorable.

SEC. 29. That enlisted men shall be dishonorably discharged by order of the commanding-general:

To carry out the sentence of a court-martial;

Upon conviction of felony in a civil court;

Upon expulsion from his company, in accordance with its by-laws or regulations;

Upon discovery of re-enlistment after previous dishonorable discharge.

Certificate of discharge.

SEC. 30. That every soldier discharged from the service of the District shall be furnished with a certificate of such discharge, which shall state clearly the reasons therefor. Dishonorable discharges will have the word "dishonorable" written or printed diagonally across their faces, in large characters, with red ink, and the re-enlistment clause will be erased by a line.

ARMS UNIFORMS, AND EQUIPMENT.

Arms and equipments.

SEC. 31. That the Uniforms, arms, and equipments of the National Guard shall be the same as prescribed and furnished to the army of the United States. Every organization of the National Guard shall

be provided with such ordnance and ordnance stores, clothing, camp and garrison equipage, quartermaster's stores, medical supplies, and other military stores, as may be necessary for the proper training and instruction of the force and for the proper performance of the duties required under this act.

Such property shall be issued from the stores and supplies appropriated for the use of the Army, upon the approval and by the direction of the Secretary of War, to the commanding general, upon his requisitions for the same. The property so issued shall remain and continue to be the property of the United States, and shall be accounted for by the commanding general at such times, in manner, and on such forms, as the Secretary of War may require.

— to be issued by Secretary of War.

SEC. 32. That the commanding general may transfer all public property, received by him for the use of the National Guard under the provision of this act, to the several departmental officers of the general staff, and may make and prescribe regulations for its issue by them, and for its care and preservation by the officers or soldiers to whom issued.

— regulations for issue, care, &c.

SEC. 33. That every officer receiving public property for military use shall be accountable for the articles so received by him, and shall make returns of such property at such times, in such manner, and on such forms as may be prescribed. He shall be liable to trial by court-martial for neglect of duty, and also make good to the United States the value of all such property defaced, injured, destroyed or lost, by any neglect or default on his part, to be recovered in an action of tort, or by any other action at law, to be instituted by the judge-advocate-general of the militia at the order of the commanding general. All money received on account of loss or damages shall be paid in the Treasury of the United States, and shall be accounted for by the commanding general in his returns to the Secretary of War.

Officers' returns, property, &c.

SEC. 34. That any officer or soldier who shall sell, dispose of pawn or pledge, willfully destroy or injure, or retain after proper demand made, any public property issued under the provisions of this act, shall be deemed guilty of a misdemeanor, and shall be punished by imprisonment for not exceeding two months, or by a fine not exceeding one hundred dollars, or by both; and it is hereby made the duty of the judge of the police court of the District of Columbia, upon information filed or complaint, made under oath, to issue process for the arrest of the offender, and to cause him to be brought before the police court to be dealt with according to the provisions of this section.

Punishment for selling, &c., public property.

SEC. 35. That until an officer, or his legal representatives shall have received notice that the property accounts of such officer have been examined and found correct, the liability of such officer, or of his estate, for public property for which he is or may have been responsible shall be in no way affected by resignation, discharge, change in official position, or death. Upon the death or desertion of an officer responsible for public property his immediate commander shall at once cause the property for which such officer was responsible to be collected, and a correct inventory made by actual count and examination; which inventory shall be forwarded to the commanding general, in order that any deficiency may be made good from the estate of the deceased or deserting officer; compensation for such deficiency may be recovered in the manner provided in section thirty-four.

Liability of officers.

SEC. 36. That property issued or provided under the provisions of this act which becomes unfit for use, and is condemned as unserviceable shall be reported by the commanding general to the Secretary of War, and shall be disposed of as may be directed by him.

Unserviceable property.

SEC. 37. That any organization of the active militia may, with the approval of the commanding general, and at its own expense, adopt

Distinctive uniforms of organizations.

any other uniform than that issued to it; but such uniform shall not be worn when such organization is on duty under the orders of the commanding general except by his permission.

Right of organizations to own personal property, prosecute suits, &c.

SEC. 38. That organizations of the National Guard shall have the right to own and keep personal property, which shall belong to and be under the control of the active members thereof; and the commanding officer of any organization may recover for its use any debts or effects belonging to it, or damages for injury to such property; action for such recovery to be brought, in the name of such commanding officer, before any justice of the peace, with the right of appeal to the supreme court of the District of Columbia, or before the supreme court of the District of Columbia; and no suit or complaint pending in his name shall be abated by his ceasing to be commanding officer of the organization; but, upon the motion of the commander succeeding him, such commander shall be admitted to prosecute the suit or complaint in like manner and with like effect as if it had been originally commenced by him.

Armories.

SEC. 39. That the quartermaster-general of the militia shall provide, by rental or otherwise, such armories for the National Guard as may be allowed and directed by the commanding general. He shall also provide each organization with such lockers, closets, gun-racks, and cases or desks, as may be necessary for the care, preservation, and safe-keeping of the arms, equipments, uniforms, records, and other military property in their possession. He shall also provide suitable rooms for the offices of the commanding general and staff, for the keeping of books, the transaction of business and the instruction of officers, and also suitable places for the storage and safe-keeping of public property.

MILITARY DUTIES.

Drills, &c., to be a military duty.

SEC. 40. That any drill, parade, encampment, or duty that is required, ordered, or authorized to be performed under the provisions of this act, shall be deemed to be a military duty, and while on such duty every officer and enlisted man of the National Guard shall be subject to the lawful orders of his superior officers, and for any military offense may be put and kept under arrest or under guard for a time not extending beyond the term of service for which he is then ordered.

— to be prescribed by commanding general.

SEC. 41. That the commanding general shall prescribe such stated drills and parades as he may deem necessary for the instruction of the National Guard, and may order out any portion of the National Guard for such drills, inspections, parades, escort, or other duties, as he may deem proper. The commanding officer of any regiment, battalion, or company may also assemble his command, or any part thereof, in the evening for drill, instruction, or other business, as he may deem expedient; but no parade shall be performed by any regiment, battalion, company, or part thereof, without the permission of the commanding general.

Annual inspection.

SEC. 42. That an annual inspection and muster of each organization of the National Guard, and an inspection of their armories and of public property in their possession, shall be made at such times and places as the commanding general may order and direct.

Camp day.

SEC. 43. That the National Guard shall perform not less than six consecutive days of camp duty in each year, at such time as may be ordered by the commanding general; and the quartermaster-general of the militia, subject to the approval of the commanding general, shall provide, by rental or otherwise, a suitable camp ground for the annual encampment of the militia, make the necessary provisions thereon for the encampment, and provide necessary transportation to and from the same for baggage and supplies.

SEC. 44. The National Guard shall have the use of the drill grounds and rifle-range at the Washington Barracks, subject to the approval of the Secretary of War, and the commanding general of the militia shall provide such additional targets and accessories as may be necessary for the use of the militia.

May use Wash-
ington barracks.

SEC. 45. That when there is in the District of Columbia a tumult, riot, mob, or a body of men acting together by force with attempt to commit a felony or to offer violence to persons or property, or by force and violence to break and resist the laws, or when such tumult, riot, or mob is threatened, it shall be lawful for the commissioners of the District of Columbia, or for the United States marshal for the District of Columbia, to call on the commander-in-chief to aid them in suppressing such violence and enforcing the laws; the commander-in-chief shall thereupon order out so much and such portion of the militia as he may deem necessary to suppress the same, and no member thereof who shall be thus ordered out by proper authority for any such duty shall be liable to civil or criminal prosecution for any act done in the discharge of his military duty.

Suppression of
riots, &c., in Dis-
trict of Columbia.

SEC. 46. That no officer or soldier of the National Guard, when ordered on duty to aid the civil authorities, or when ordered into the services of the United States in obedience to the call or order of the President, shall be excused from such duty except upon the certificate of the surgeon of his command of physical disability, such certificate to be presented to the commanding general in case of an officer, or to his company commander in case of a soldier. If such officer or soldier fail to furnish such excuse he shall be tried and punished by a court-martial. For absence from any other military duty required or ordered under the provisions of this act the penalty shall be such as may be prescribed by the commanding general, or the by-laws of the organization to which the officer or soldier belongs.

Excuses from
duty.

SEC. 47. That the United States forces or troops, or any portion of the militia, parading, or performing any duty according to law, shall have the right of way in any street or highway through which they may pass:

Parade, &c., to
have right of way.

Provided, That the carriage of the United States mails, the legitimate functions of the police, and the progress and operations of fire-engines and fire departments shall not be interfered with thereby.

Exceptions.

SEC. 48. That every commanding officer, when on duty, may ascertain and fix necessary bounds and limits to his parade or encampment. Whoever intrudes within the limits of the parade or encampment after being forbidden, or whoever shall interrupt, molest, or obstruct any officer or soldier while on duty, may be put and kept under guard until the parade, encampment, or duty be concluded; and the commanding officer may turn over such person to any police officer, and said police officer is required to detain him in custody for examination or trial before the police court, and the judge thereof may punish such offense by a fine not exceeding twenty-five dollars.

Rules for pa-
rades and encamp-
ments.

SEC. 49. That all officers and employees of the United States and of the District of Columbia who are members of the National Guard shall be entitled to leave of absence from their respective duties, without loss of pay or time, on all days of any parade or encampment ordered or authorized under the provisions of this act.

Government
employees, mem-
bers of Nat. Guard,
to have leave of
absence.

1883, March 3,
ch. 128, § 4, and
note, ante, pp. 409,
410.

MILITARY COURTS.

SEC. 50. Courts of inquiry, to consist of not more than three officers, may be ordered by the commanding general, for the purpose of investigating the conduct of any officer, either at his own request or on a complaint or charge of conduct unbecoming an officer. Such court of inquiry shall report the evidence adduced, a statement of facts, and an opinion thereon, when required, to the commanding general, who may, in his discretion, thereupon order a court-martial for the trial of the officer whose conduct has been inquired into.

Courts of in-
quiry.

Courts-martial.

SEC. 51. That general courts-martial for the trial of commissioned officers or enlisted men shall be ordered by the commanding general at such times as the interests of the service may require, and shall consist of not less than five nor more than thirteen officers, and a judge-advocate, none of whom shall be of less rank than the accused, when it can be avoided.

Trials of enlisted men.

SEC. 52. That for the trial of enlisted men for all minor offenses the commanding officer of each battalion and unattached company shall, at such times as may be necessary, appoint courts-martial. Such battalion and company courts-martial shall consist, for a battalion, of one officer, whose rank is not below that of a captain; and for a company, of a lieutenant. Such courts shall have power, subject to the approval of the officer ordering the court, to sentence to be reprimanded by said officer in battalion or company orders; or, in case of a company non-commissioned officers, to be reduced to the ranks, or to pay such fines as may be imposed and allowed by the regulations or by-laws of the organization to which the accused belongs; and such court may, with the approval of the commanding general, sentence to be reprimanded in general orders or to be dishonorably discharged.

Proceedings in trials.

SEC. 53. That the president of a general court-martial or court of inquiry and the officer constituting a battalion or company court-martial, shall have power to administer the usual oath to witnesses, and may issue summonses for all witnesses whose attendance at such court may, in his opinion, be necessary, and any officer or soldier failing to serve such summons, and any witness failing to appear and testify when so summoned, shall be liable to trial by court-martial.

—to conform to Army trials.

SEC. 54. That in all courts-martial and courts of inquiry the arraignment of the accused, the proceedings, trial, and record shall in all respects conform as nearly as practicable to the regulations for the same in the Army of the United States.

EXPENSES AND ALLOWANCES.**General expenses to be paid by United States.**

SEC. 55. That there shall be allowed for the general expenses of the militia such sums as may be necessary for the rental and furnishing of offices for headquarters, stationery, postage, printing and issuing orders, advertising orders, providing necessary blanks for the use of the militia, the cost of storing, caring for, and issuing all public property, and such other contingent expenses, not herein specially provided for, as may be estimated and appropriated for; the accounts for which shall be certified to by the officer receiving the service or property charged for, approved by the commanding general, and paid in the manner provided in section sixty. (1)

Payment to band.

SEC. 56. That during the annual encampment, and on every duty or parade ordered by the commanding general, there shall be allowed and paid for each day of service: To each member of the regularly enlisted band, four dollars; to each member of the regularly enlisted corps of field music, two dollars; to the chief musician, eight dollars, and to the principal musician, six dollars. In event there is no enlisted band or field music, or not a sufficient number of either, the commanding general may authorize the employment of such as he may deem necessary for the occasion. The payments for bands of music and drum corps shall be made in the manner provided in section sixty. (1)

Subsistence while on duty to be furnished.

SEC. 57. That during the annual encampment, or when ordered on duty to aid the civil authorities, the National Guard shall be furnished with subsistence stores, of the kind, quality, and amount allowed and prescribed by the Army. Such stores shall be issued from the stores and supplies appropriated for the use of the Army,

NOTE.—(1) Section fifty-eight instead of sixty seems to be the section intended to be referred to.

upon the approval and by the direction of the Secretary of War, to the commanding general upon his requisitions for the same.

SEC. 58. That the commanding general shall annually transmit to the Commissioners of the District of Columbia an estimate of the amount of money required for the next ensuing fiscal year to pay the expenses authorized by this act, and the said Commissioners shall include the same in their annual estimates of appropriations for the District;

And all money appropriated to pay the expenses authorized by this act shall be disbursed by the Commissioners of the District of Columbia, upon vouchers duly certified and approved by the commanding general, and accounted for by them in the same manner as all other moneys appropriated for the expenses of the District.

Estimates.
1878, June 1, ch.
180, §3, ante, p. 175.

Disbursements.

GENERAL PROVISIONS.

SEC. 59. That companies, battalions, or regiments may adopt constitutional articles of agreement or by-laws, subject to the approval of the commander-in-chief, for the government of matters relating to the civic affairs of their respective organizations, the regulation of fines for non-performance of duty, and the determination of causes upon which excuses from fines may be based:

Provided, however, That such articles or rules shall not be repugnant to law or the regulations for the government of the militia: *And provided further,* That the articles or rules adopted by any company or battalion shall not be repugnant to the articles or rules adopted for the general government of the regiment or battalion to which it belongs.

Certified copies of such articles or rules, with like copies of all alterations, as finally approved by the commanding general, shall be deposited in the office of the adjutant-general.

SEC. 60. The departmental and military duties of the officers provided for in this act shall be correlative with those discharged by similarly designated officers in the Army of the United States.

SEC. 61. That the system of discipline and field-exercise ordered to be observed by the Army of the United States, or such other system as may hereafter be directed for the militia by-laws of the United States, shall be observed by the National Guard.

SEC. 62. That the commanding general, subject to the approval of the commander-in-chief, is authorized to make and publish regulations for the government of the militia in all matters not specifically provided for by law, conforming the same to the practice and regulations of the Army so far as they may be applicable.

SEC. 63. That (2) the act "more effectually to provide for the organization of the militia of the District of Columbia," approved March third, eighteen hundred and three, is hereby repealed. [March 1, 1889.]

Companies, &c.,
may adopt by-
laws, regulations,
&c.

— not repugnant
to law, &c.

Duties of officers.

Discipline.

Commanding
general to make
regulations.

Repeal.
R. S. of D. C., §§
1192-1296.

NOTE.—(2) The act of 1803, March 3, ch. 20 (2 Stat. L., 215), here referred to and repealed, is incorporated into Revised Statutes of the District of Columbia, §§ 1192-1296.

CHAP. 331.—An act to encourage the enlistment of boys as apprentices in the United States Navy.

March 1, 1889.

25 Stat. L., 781.

Be it enacted, &c., That in order to encourage the enlistment of boys as apprentices in the United States Navy, the Secretary of the Navy is hereby authorized to furnish as a bounty to each of said apprentices after his enlistment, and when first received on board of a training-ship, an outfit of clothing not to exceed in value the sum of forty-five dollars. [March 1, 1889.]

Naval apprentices
to have
bounty outfit on
enlistment.

R. S., §§ 1417-
1420.

1879, May 12, ch.
5, ante, p. 263.

1881, Feb. 23, ch. 73, §2, ante, p. 318.

March 1, 1889.

25 Stat. L., 782.

CHAP. 332.—An act making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June thirtieth, eighteen hundred and ninety, and for other purposes.

Oaths in pension cases to be administered by U. S. officers free.

Be it enacted, &c., * * [Par. 1.] That hereafter all United States officers now authorized to administer oaths are hereby required and directed to administer any and all oaths required to be made by pensioners and their witnesses in the execution of their vouchers for their pensions free of charge. * *

Examining surgeons' fees.

R. S., §§ 4774-4777.

1882, July 25, ch. 349, § 4, *ante*, p. 360.

— if 20 applicants appear in 1 day.

[Par. 2.] And each member of each examining board shall hereafter receive the sum of two dollars for the examination of each applicant whenever five or a less number shall be examined on any one day, and one dollar for the examination of each additional applicant on such day:

Provided, That if twenty or more applicants appear on one day, no fewer than twenty shall, if practicable, be examined on said day, and that if fewer examinations be then made, twenty or more having appeared, then there shall be paid for the first examinations made on the next examination day the fee of one dollar only until twenty examinations shall have been made. (1) * *

Rooms for pension agencies to be set apart in public buildings.

[Par. 3.] And hereafter the Secretary of the Treasury, where practicable, shall cause suitable rooms to be set apart in the public buildings under his control in the cities where pension agencies are located, which shall be acceptable to the Secretary of the Interior, for the use and occupancy of the said agencies respectively. (2) [March 1, 1889.]

NOTE.—(1) This whole paragraph has appeared annually in every appropriation act since 1885, March 3, ch. 340, 25 Stat. L., 362, with the words "as now authorized by law," instead of "hereafter," as in the second line of this paragraph above. It is repeated as in these former acts in 1890, June 30, ch. 639, and 1891, March 3, ch. 548, 25 Stat. L., 168, 1082. The presence of the word "hereafter" indicates, as frequently occurs in legislation upon appropriation acts, a purpose to make the provision permanent. It would be difficult to determine positively the effect of the repetition of the provision without this word.

(2) This provision is repeated in 1890, June 20, ch. 369 (26 Stat. L., 189).

March 1, 1889.

25 Stat. L., 783.

Indian Territory.
United States
court established
in.

CHAP. 333.—An act to establish a United States Court in the Indian Territory, and for other purposes (1).

Be it enacted, &c., That a United States court is hereby established, whose jurisdiction shall extend over the Indian Territory, bounded as follows, to wit:

NOTE.—(1) The jurisdiction of courts and the punishment of offenses in the Indian Territory have been the subject of numerous statutes.

R. S., § 583, makes the Indian Territory a part of the Western District of Arkansas. Chap. 4 of Title xxviii, R. S., (§§ 2127-2157) relating to the government of Indian country, contains sections defining offenses or imposing penalties, as follows: § 2133, trading in the Indian country without a license; § 2134, foreigner entering the country without passport; § 2135, receiving certain articles from Indians; § 2136, selling arms or ammunition to Indians; § 2137, hunting in Indian country; § 2138, removing stock; §§ 2139-2141, spirituous liquors in the Indian country; § 2142, assault with intent to kill or maim by a white person upon any one or by an Indian upon white person; § 2143, arson by a white person on any property or by an Indian on property belonging to a white person; § 2144, laws of U. S. for forgery and mail depredations extended to Indian country; §§ 2145, 2146, general laws of U. S. for punishment of crimes within its exclusive jurisdiction extended to the Indian country, except to crimes by one Indian against its exclusive jurisdiction extended to the Indian country by the tribal law, or where exclusive jurisdiction is secured to the Indian tribes.

By 1883, Jan. 6, ch. 13, *ante*, pp. 389, 390, portions of the Indian Territory are annexed to the district of Kansas and the northern district of Texas. By 1885, March 3, ch. 341, § 9, *ante*, p. 482, Indians committing against an Indian or other person certain major offenses in any Territory, either within or without an Indian reservation, are subject to the Territorial laws, and if within a reservation in a State, are subject to the laws relating to the same crimes within the exclusive jurisdiction of the U. S. By 1888, Feb. 15, ch. 10, *ante*, p. 578, punishment is provided for horse stealing, robbery, and burglary in the Indian Territory, and by 1888, June 9, ch. 382, *ante*, p. 580, for offenses against U. S. officers. By 1888, June 4, ch. 343, *ante*, p. 588, U. S. marshals are empowered to enter the Indian Territory and execute process. As to what constitutes Indian country, see 95 U. S., 204.

By 1889, Mar. 1, ch. 333, above, a U. S. court is established in the Indian Territory with jurisdiction (§ 5) over all offenses against U. S. laws not punishable by death or imprisonment at hard labor, and (§ 6) with certain civil jurisdiction. The following offenses are defined and punished: § 20, obstruction of railroad; § 21, injury to telegraph or telephone lines; § 22, disturbing religious worship; § 23, assault with intent to rob; § 24, injuries to animal property; § 25, certain assaults; § 26, setting fire to woods, marshes, or prairies with intent to destroy improvements. By § 27, the jurisdiction of the new court is excluded from offenses by one Indian upon the person or property of another, and §§ 23, 24, and 25 are not to apply to such offenses. § 17 attaches a part of the Indian Territory to the eastern district of Texas, apparently repealing the jurisdiction of the northern district of Texas granted by 1883, Jan. 6, ch. 13, § 3, *ante*, p. 390. See 138 U. S., 157, and 40 Fed. Rep. 472.

By 1890, May 2, ch. 182, §§ 1-28, *post*, pp. 720-731, the Territory of Oklahoma is created out of a part of the Indian Territory with an independent territorial judicial system (§ 9) and the Cherokee outlet is attached thereto for judicial purposes. By § 29 jurisdiction of the U. S. Court for the Indian Territory is confined to the remainder of the Territory. By §§ 29, 31 its civil powers are extended; by § 34 authority is conferred to enforce Title 28, chs. 3 and 4, R. S., §§ 2111-2157, except in cases of arson and assault; by § 35 jurisdiction is conferred in certain cases under R. S., §§ 5392-5412 and by § 36 in civil and criminal cases arising between Indians of different tribes. Various miscellaneous provisions in relation to the court are also contained in the act.

North by the State of Kansas, east by the States of Missouri and Arkansas, south by the State of Texas, and west by the State of Texas and the Territory of New Mexico.

And a judge shall be appointed for said court by the President of the United States, by and with the advice and consent of the Senate, who shall hold his office for a term of four years, and until his successor is appointed and qualified, and receive a salary of three thousand five hundred dollars per annum, to be paid from the Treasury of the United States in like manner as the salaries of judges of the United States district courts.

SEC. 2. That there shall be appointed by the President, by and with the advice and consent of the Senate, an attorney and marshal for said court, who shall continue in office for four years, and until their successors be duly appointed and qualified, and they shall discharge the like duties and receive the same fees and salary as now received by the United States attorney and marshal for the western district of Arkansas.

The said marshal may appoint one or more deputies, who shall have the same powers, perform the like duties, and be removable in like manner as other deputy United States marshals; and said marshal shall give bond, with two or more sureties, to be approved by the judge of said court, in the sum of ten thousand dollars, conditioned as by law required in regard to the bonds of other United States marshals.

SEC. 3. That a clerk of said court shall be appointed by the judge thereof, who shall reside and keep his office at the place of holding said court. Said clerk shall perform the same duties, be subject to the same liabilities, and shall receive the same fees and compensation as the clerk of the United States court of the western district of Arkansas; and before entering upon his duties he shall give bond in the sum of ten thousand dollars, with two or more sureties, to be approved by the judge of said court, conditioned that he will discharge his duties as required by law.

SEC. 4. That the judge appointed under the provision of this act shall take thame oath, required by law to be taken by the judges of the district courts, of the United States; and the oath, when taken as in such cases provided, shall be duly certified by the officer before whom the same shall have been taken to the clerk of the court herein established, to be by him recorded in the records of said court.

The clerk, marshal, and deputy marshals shall take before the judge of said court the oath required by law of the clerk, marshal, and deputy marshals of the United States district courts, the same to be entered of record in said court as provided by law in like cases.

SEC. 5. That the court hereby established shall have exclusive original jurisdiction over all offenses against the laws of the United States committed within the Indian Territory as in this act defined, not punishable by death or by imprisonment at hard labor.

SEC. 6. That the court hereby established shall have jurisdiction in all civil cases between citizens of the United States who are residents of the Indian Territory, or between citizens of the United States, or of any State or Territory therein, and any citizen of or person or persons residing or found in the Indian Territory, and when the value of the thing in controversy, or damages or money claimed shall amount to one hundred dollars or more:

Provided, That nothing herein contained shall be so construed as to give the court jurisdiction over controversies between persons of Indian blood only:

And provided further, That all laws having the effect to prevent the Cherokee, Choctaw, Creek, Chickasaw and Seminole Nations, or

Boundary of district.

R. S., § 533.

1890, May 2, ch.

182, § 29, *post*, p. 731.

1881, March 3,

ch. 130, par. 4,

ante, p. 320.

1888, June 9, ch.

382, *ante*, p. 539.

Attorney and

marshal.

R. S., §§ 771-

776, 787-792, 824-

827, 829, 830.

1888, June 9, ch.

382, *ante*, p. 539.

Deputy mar-

shals.

R. S., §§ 780, 788.

Clerk.

R. S., §§ 795,

797-799, 828.

Official oaths.

R. S., §§ 712, 782,

794.

Jurisdiction of

offenses.

§ 27, *post*, p. 676.

— of civil cases.

1890, May 2, ch.

182, § 29, *post*,

p. 732.

— none in suits

between Indians.

Coal-mining

leases and con-

tracts by Indians no longer prohibited.

— jurisdiction of court as to.

Laws of U. S. as to procedure to apply, but practice to conform to that of Arkansas.

R. S., §§ 911-1042.

1890, May 2, ch. 182, § 31, *post*, p. 733.

Supreme Court may review cases over \$1,000.

R. S., §§ 691, 692, 699.

1890, May 2, ch. 182, § 42, *post*, p. 733.

1891, March 3, ch. 517, § 13, *post*, p. 905.

Terms of court. 1890, May 2, ch. 182, § 30, *post*, p. 732.

Proceedings to be in English language.

Jury commissioners.

1890, May 2, ch. 182, § 30, *post*, p. 732.

—oath of.

—selection of jurors by.

either of them, from lawfully entering into leases or contracts for mining coal for a period not exceeding ten years, are hereby repealed;

And said court shall have jurisdiction over all controversies arising out of said mining leases or contracts and of all questions of mining rights or invasions thereof where the amount involved exceeds the sum of one hundred dollars.

That the provisions of chapter eighteen, title thirteen, of the Revised Statutes of the United States shall govern such court, so far as applicable: *Provided*, That the practice, pleadings, and forms of proceeding in civil causes shall conform, as near as may be, to the practice, pleadings, and forms of proceeding existing at the time in like causes in the courts of record of the State of Arkansas, any rule of court to the contrary notwithstanding; and the plaintiff shall be entitled to like remedies by attachment or other process against the property of the defendant, and for like causes, as now provided by the laws of said State.

The final judgment or decree of the court hereby established, 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 of the United States 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.

SEC 7. That two terms of said court shall be held each year at Muskogee, in said Territory, on the first Monday in April and September, and such special sessions as may be necessary for the dispatch of the business in said court at such times as the judge may deem expedient; and he may adjourn such special sessions to any other time previous to a regular term; and the marshal shall procure suitable rooms for the use and occupation of the court hereby created.

SEC 8. That all proceedings in said court shall be had in the English language; and bona-fide male residents of the Indian Territory, over twenty-one years of age, and understanding the English language sufficiently to comprehend the proceedings of the court, shall be competent to serve as jurors in said court but shall be subject to exemptions and challenges as provided by law in regard to jurors in the district court for the western district of Arkansas.

SEC 9. That the jurors shall be selected as follows: The court at its regular term shall select three jury commissioners, possessing the qualifications prescribed for jurymen, and who have no suits in court requiring the intervention of a jury; and the same persons shall not act as jury commissioners more than once in the same year. The judge shall administer to each commissioner the following oath:

“You do swear to discharge faithfully the duties required of you as jury commissioner; that you will not knowingly select any one as jurymen whom you believe unfit and not qualified; that you will not make known to any one the name of any jurymen selected by you and reported on your list to the court until after the commencement of the next term of this court; that you will not, directly or indirectly, converse with any one selected by you as a jurymen concerning the merits of any cause or procedure to be tried at the next term of this court; so help you God.”

SEC 10. That the jury commissioners, after they have been appointed and sworn, shall retire to a jury room, or some other apartment designated by the judge, and be kept free from the intrusion of any person, and shall not separate without leave of the court until they have completed the duties required of them; that they shall select from the bona fide male residents of the Territory such number

of qualified persons as the court shall designate, not less than sixty, free from all legal exception, of fair character and approved integrity, of sound judgment and reasonable information, to serve as petit jurors at the next term of court; shall write the names of such persons on separate pieces of paper, of as near the same size and appearance as may be, and fold the same so that the names thereon may not be seen.

The names so written and folded shall be then deposited in a box, and after they shall be shaken and well mixed, the commissioners shall draw from said box the names of thirty seven persons, one by one, and record the same as drawn, which record shall be certified and signed by the commissioners, and indorsed "List of petit jurors."

Petit jurors.

SEC. 11. That the said commissioners shall then proceed to draw in like manner twelve other names, which shall be recorded in like manner on another paper, which shall be certified and signed by the commissioners, and indorsed "List of alternate petit jurors". The two list shall be inclosed and sealed so that the contents can not be seen, and indorsed "List of petit jurors," designating for what term of the court they are to serve, which indorsement shall be signed by the commissioners, and the same shall be delivered to the judge in open court; and the judge shall deliver the lists to the clerk in open court, and administer to the clerk and his deputies the following oath:

Alternate jurors.

"You do swear that you will not open the jury-lists now delivered to you; that you will not, directly or indirectly, converse with any one selected as a petit juror concerning any suit pending and for trial in this court at the next term, unless by leave of the court; so help you God?"

Oath of clerk.

SEC. 12. That within thirty days before the next term, and not before, the clerk shall open the envelopes and make a fair copy of the lists of petit jurors and alternate petit jurors, and give the same to the marshal, who shall, at least fifteen days prior to the first day of the next term, summon the persons named as petit jurors and alternate petit jurors to attend on the first day of said term as petit jurors, by giving personal notice to each, or by leaving a written notice at the juror's place of residence with some person over ten years of age and there residing.

Copy of list of petit jurors to be made by clerk.

That the marshal shall return said lists with a statement in writing of the date and manner in which each juror was summoned; and if any juror or alternate legally summoned shall fail to attend he may be attached and fined or committed as for contempt.

Return of jury lists by marshal.

That if there shall not be a sufficient number of competent petit jurors and alternates present, and not excused, to form a petit jury, the court may compel the attendance of such absentees or order other competent persons to be summoned to complete the juries.

Filling vacancies on juries.

SEC 13 That if for any cause the jury commissioners shall not appoint or shall fail to select a petit jury as provided, or the panels selected be set aside, or the jury list returned in court shall be lost or destroyed, the court shall order the marshal to summon a petit jury of the number hereinbefore designated, who shall be sworn to perform the duties of petit jurors as if they had been regularly selected; and this provision shall also apply in the formation of petit juries for the first term of the court. The want of qualification of any person selected as juror under section ten of this act shall not necessarily operate as cause of challenge to the whole panel.

Selection by marshal.

SEC 14 That the fees of the jurors and witnesses before said court herein created shall be the same as provided in the district court of the United States for the western district of Arkansas.

Fees of jurors and witnesses.

SEC. 15. That in all criminal trials had in said court, in which a jury shall be demanded, and in which the defendant or defendants shall be citizens of the United States, none but citizens of the United States shall be competent jurors.

Criminal trials. Citizens only to be jurors, when citizen is defendant.

Writes and processes.

SEC. 16. That the judge of the court herein established shall have the same authority to issue writs of habeas corpus, injunctions, mandamus, and other remedial process, as exists in the circuit court of the United States.

Chickasaw Nation and part of Choctaw attached to eastern judicial district of Texas.

R. S., §§ 533, 548.
1879, Feb. 24, ch. 97, and note, ante, p. 217.

1883, Jan. 6, ch. 13, § 2, ante, p. 389.

SEC. 17. That the Chickasaw Nation and the portion of the Choctaw Nation within the following boundaries, to wit: Beginning on Red River at the southeast corner of the Choctaw Nation; thence north with the boundary-line between the said Choctaw Nation and the State of Arkansas to a point where Big Creek, a tributary of the Black Fork of the Kimishi River, crosses the said boundary-line; thence westerly with Big Creek and the said Black Fork to the junction of the said Black Fork with Buffalo Creek; thence northwesterly with said Buffalo Creek to a point where the same is crossed by the old military road from Fort Smith, Arkansas, to Boggy Depot, in the Choctaw Nation; thence southwesterly with the said road to where the same crosses Perryville Creek; thence northwesterly up said creek to where the same is crossed by the Missouri, Kansas and Texas Railway track; thence northerly up the center of the main track of the said road to the South Canadian River; thence up the center of the main channel of the said river to the western boundary-line of the Chickasaw Nation, the same being the northwest corner of the said nation; thence south on the boundary-line between the said nation and the reservation of the Wichita Indians; thence continuing south with the boundary-line between the said Chickasaw Nation and the reservations of the Kiowa, Comanche, and Apache Indians to Red River; thence down said river to the place of beginning; and all that portion of the Indian Territory not annexed to the district of Kansas by the act approved January sixth, eighteen hundred and eighty-three, and not set apart and occupied by the five civilized tribes, shall, from and after the passage of this act, be annexed to and constitute a part of the eastern judicial district of the State of Texas, for judicial purposes.

Eastern division of eastern judicial district of Texas.

R. S., § 548.
1879, Feb. 24, ch. 97, and note, ante, p. 217.

— terms of courts.
R. S., §§ 572, 658.

SEC. 18. That the counties of Lamar, Fannin, Red River, and Delta of the State of Texas, and all that part of the Indian Territory attached to the said eastern judicial district of the State of Texas by the provisions of this act, shall constitute a division of the eastern judicial district of Texas;

And terms of the circuit and district courts of the United States for the said eastern district of the State of Texas shall be held twice in each year at the city of Paris on the third Mondays in April and the second Mondays in October; and the United States courts herein provided to be held at Paris shall have exclusive original jurisdiction of all offenses committed against the laws of the United States within the limits of that portion of the Indian Territory attached to the eastern judicial district of the State of Texas by the provisions of this act, of which jurisdiction is not given by this act to the court herein established in the Indian Territory;

Return of process and prosecutions in counties of Lamar, Fannin, Red River and Delta, and trials.

And all civil process, issued against persons resident in the said counties of Lamar, Fannin, Red River, and Delta, cognizable before the United States courts shall be made returnable to the courts, respectively, to be held at the city of Paris, Texas:

And all prosecutions for offenses committed in either of said last-mentioned counties shall be tried in the division of said eastern district of which said counties form a part:

Pending causes.

Provided, That no process issued or prosecution commenced or suit instituted before the passage of this act shall be in any way affected by the provisions thereof.

Clerk at Paris.

SEC. 19. That the judge of the eastern judicial district of the State of Texas shall appoint a clerk of said court, who shall reside at the city of Paris, in the county of Lamar.

In Indian Territory: punishment

SEC. 20. That every person who shall, in the Indian Territory, willfully and maliciously place any obstruction, by stones, logs, or

any other thing, on the track of any railroad, or shall tear up or remove, burn, or destroy any part of any such railroad, or the works thereof, with intent to obstruct the passage of any engine, car, or cars thereon, or to throw them off the track, shall be deemed guilty of malicious mischief, and, on conviction thereof, shall be sentenced to imprisonment at hard labor for any time not more than twenty years: for obstructing, &c., railroads.

Provided, That if any passenger, employee, or other person shall be killed, either directly or indirectly, because of said obstruction, tearing up, removing, burning, or destroying, the person causing the same shall be deemed guilty of murder, and, upon conviction thereof, shall be punished accordingly. —in case a person is killed.

SEC. 21. That any person aforesaid who shall, in the Indian Territory, willfully and intentionally destroy, injure or obstruct any telegraph or telephone line, or any of the property or materials thereof, shall be deemed guilty of malicious mischief, and, on conviction thereof, shall be fined in any sum not more than five hundred dollars and imprisoned for any time not more than one year. —for injury to telegraph, &c., lines.

SEC. 22. That every person aforesaid who shall, in the Indian Territory, maliciously or contemptuously disturb or disquiet any congregation or private family assembled in any church or other place for religious worship, or persons assembled for the transaction of church business, by profanely swearing or using indecent gestures, threatening language, or committing any violence of any kind to or upon any person so assembled, or by using any language or acting in any manner that is calculated to disgust, insult, or interrupt said congregation, shall, upon conviction thereof, be sentenced to imprisonment for any time not exceeding sixty days, or to a fine not exceeding one hundred dollars, or both such fine and imprisonment. —for disturbing religious worship.

SEC. 23. That every person aforesaid who shall, in the Indian country, feloniously, willfully, and with malice aforethought assault any person with intent to rob, and his counselors, aiders, and abettors, shall, on conviction thereof, be imprisoned at hard labor for a time not less than one nor more than fifteen years. —for assault with intent to rob.
§ 27, post, p. 676.

SEC. 24. That every person who shall, in the Indian Territory, knowingly mark, brand, or alter the mark or brand of any animal the subject of larceny, the property of another, or who shall knowingly administer any poison to or maliciously expose any poisonous substance with the intent that the same shall be taken by any of the aforesaid animals, or shall willfully and maliciously, by any means whatsoever, kill, maim, or wound any of the aforesaid animals, shall be deemed guilty of malicious mischief, and, on conviction thereof, shall be sentenced to imprisonment for a period of not more than six months, or a fine of not more than two hundred dollars, or both such fine and imprisonment; and in case the animal shall have been killed or injured by said malicious mischief, the jury trying the case shall assess the amount of damages which the owner of the animal shall have sustained by reason thereof, and, in addition to the sentence aforesaid, the court shall render judgment in favor of the party injured for threefold the amount of the damages so assessed by the jury, for which said amount execution may issue against the defendant and his property. —for injuries to animal property.
§ 27, post, p. 676.

SEC. 25. That if any person, in the Indian country, assault another with a deadly weapon, instrument, or other thing, with an intent to inflict upon the person of another a bodily injury where no considerable provocation appears, or where the circumstances of the assault show an abandoned and malignant disposition, he shall be adjudged guilty of a misdemeanor, and, on conviction shall be fined in any sum not less than fifty nor exceeding one thousand dollars and imprisoned not exceeding one year. —for assault.
§ 27, post, p. 676.

SEC. 26. That if any person shall maliciously and willfully set on fire any woods, marshes, or prairies, in the Indian Territory, with the —for setting fire to woods, &c.

intent to destroy the fences, improvements, or property of another, such person shall be fined in any sum not exceeding five hundred dollars, or be imprisoned not more than six months, or both, at the discretion of the court.

Certain sections not to apply to offenses between Indians.

§§ 5, 23, 24 25, Repeal.

SEC. 27. That sections five, twenty-three, twenty-four, and twenty-five of this act shall not be so construed as to apply to offenses committed by one Indian upon the person or property of another Indian.

SEC. 28. That all laws and parts of laws inconsistent with the provisions of this act be, and the same are hereby, repealed. [March 1, 1889.]

March 2, 1889.

25 Stat. L., 790.

Port of Memphis, Tenn., extended.

R. S., § 2568.

CHAP. 358.—An act to extend the limits of the port of Memphis, Tennessee.

Be it enacted, &c., That the limits of the present port of Memphis, Tennessee, be extended from Beale street southward to Jackson street, and that the east line of the present port be extended southward until it intersects said Jackson street. [March 2, 1889.]

March 2, 1889.

25 Stat. L., 793.

Texas: Collection district of Galveston; collector, deputy collectors, and surveyor.

Substitute for R. S., § 2579, par. 1.

CHAP. 368.—An act to amend section twenty-five hundred and seventy-nine of the Revised Statutes of the United States.

Be it enacted, &c., That the first clause or subdivision of section twenty-five hundred and seventy-nine of the Revised Statutes of the United States is hereby amended so as to read:

“SEC. 2579. There shall be in the collection districts in the State of Texas the following officers:

In the district of Galveston, a collector, who shall reside at Galveston;

A deputy collector, who shall reside at Sabine Pass, and said deputy collector shall have power to enter and clear all vessels coming to that port and exercise such other 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.” [March 2, 1889.]

March 2, 1889.

25 Stat. L., 793.

Fees for distress of personal property for taxes to be deposited in U. S. Treasury.

1877. Mar. 3, ch. 117, § 7, ante, p. 144.

Temporary overseers and inspectors of work on sewers, streets, &c.; how paid, number of, to be reported to Congress.

1891, Mar. 3, ch. 546, par. 4, post, p. 931.

CHAP. 370.—An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June thirtieth, eighteen hundred and ninety, and for other purposes.

Be it enacted, &c., * * [Par. 1.] That hereafter the fees and cost of proceeding, collected by the collector of taxes under the act of March third, eighteen hundred and seventy-seven, for making distress and sale of property for personal taxes in arrears, shall be deposited by said collector in the Treasury of the United States as other revenues of the District are deposited. * *

[Par. 2.] (1) That overseers and inspectors, temporarily required in connection with sewer, street, or road work, or the construction and repair of buildings and bridges, or any work done under contracts authorized by appropriations, and all expenses incidental to or necessary for the proper execution of said work, shall be paid out of the sums appropriated for said work and for the time actually engaged thereon; and the Commissioners of the District, in their annual report to Congress shall report the number of such overseers and inspectors, and their work, and the sums paid to each, and out of what appropriation. * *

NOTE.—(1) This paragraph is perhaps superseded by the one noted in the margin.

[Par. 3.] That any company authorized by law to run cars propelled by horses within the District of Columbia is hereby authorized to substitute for horses electric power by storage or independent electrical batteries or underground wire, or underground cables moved by steam power, on the whole or any portion of its roadway, with authority to purchase and use any terminal grounds and facilities necessary for the purpose; and any such street railway company electing to substitute such power on any part of its tracks or road-beds on the streets of the District of Columbia shall, before doing so, cause such part of its road-beds to be laid with a flat grooved rail and made level with the service of the streets upon each side of said tracks or road-beds, so that no obstruction shall be presented to vehicles passing over said tracks:

Provided, That in the event said companies or either of them shall fail for the period of two years from the passage of this act to exercise the powers and privileges hereinbefore given, such companies are hereby required to cause said rails and road beds to be relaid with the flat grooved rail hereinbefore mentioned, so as to be level with the surface of the streets upon each side of said tracks or road beds and the cost of making the changes hereinbefore required shall be paid by the corporations or persons owning or operating said street railroads, and if, after being notified by the Commissioners of the District of Columbia in writing to comply with the terms of this act, the said corporations or either of them shall not within ninety days thereafter begin the work required and complete the same within a reasonable time, not more than twelve months from the expiration of said period of ninety days it shall be the duty of the Commissioners to cause the necessary changes in said rails and road-beds to be made as soon as practicable; and shall issue certificates of indebtedness against the property, real or personal, of such railway company, which certificates shall bear interest at the rate of ten per centum per annum until paid, and which, until they are paid, shall remain and be a lien upon the property on or against which they are issued, together with the franchise of said company; and if the said certificates are not paid within one year the said Commissioners of this District of Columbia may proceed to sell the property against which they are issued, or so much thereof as may be necessary to pay the amount due, such sale to be first duly advertised daily for one week in some newspaper published in the city of Washington, and to be sold at public auction to the highest bidder:

Provided further, That after the passage of this act no other rail than that herein mentioned shall be laid by any street railway company in the streets of Washington and Georgetown, and all companies granted franchises or extensions by the Fiftieth Congress shall have extension of one year's time within which to lay their tracks. So much of the charters of the street railway companies of the District of Columbia as is inconsistent with this section is hereby repealed.

Provided further, That the foregoing requirements as to motive-power, rails and road-bed shall not apply to street railroads outside the city of Georgetown and the Boundary limits of the city of Washington:

And provided, That the authority hereinbefore granted in each and every particular shall be exercised only with the approval of the Commissioners of the District of Columbia, expressed by resolution of said board. * * *

[Par. 4.] That hereafter the Commissioners in making purchases of sites for schools or other public buildings shall do so without the employment of agents or through other persons not regular dealers in real estate in the District of Columbia, or through such regular dealers who have not had the property for sale continuously from the date of the passage of this act, and in no case shall commission

Street cars may be run by electricity or cables.

1878, June 11, ch. 180, § 5, *ante*, p. 177.

1890, Aug. 6, ch. 724, § 3, *post*, p. 778.

Grooved rails to be used.

Commissioners to make change on neglect of company.

No other rail to be used.

Requirements as to motive power not applicable out of city limits.

All authority subject to approval of Commissioners.

School sites to be purchased without employing agents.

be paid to more than one person or firm greater than the usual commission * *

Certain institutions to report to the Commissioners.

1884, July 5, ch. 227, par. 2, *ante*, p. 464.

1890, Aug. 6, ch. 724, par. 6, *post*, p. 778.

Money appropriated for real estate for charitable institutions to be a lien in event of dissolution.

[Par. 5.] That hereafter the several institutions (1) included under the heads of asylums, reformatories, industrial schools, and charities named in this act, and in former and succeeding appropriation acts for the support of the District of Columbia shall report to the Commissioners of the District, on or before the first day of October of each year, a full and detailed account of receipts and expenditures, and all their operations, and said Commissioners shall transmit the same to Congress at the beginning of each regular session, with such suggestions and recommendations as they may deem pertinent, together with estimates for maintaining the same.

All sums of money heretofore appropriated by Congress or which may hereafter be appropriated and expended in aid of the purchase of real estate shall (subject to any trust deed, mortgage, or other security or incumbrance existing on such property at the time of its purchase, or created at the time of its purchase) be a lien upon such property, and in case of the dissolution of any such corporation as in the preceding paragraph is mentioned, owning such property, or in case of the disposal of such property by such corporation, entitle the United States to reimbursement in proportion to any other contributions or funds used in the purchase of such property. The acceptance of any sum of money by any such corporation as is in this act appropriated for its benefits shall be deemed an acceptance of and agreement to this provision. * *

Money received from sales of old material to be paid into U. S. Treasury.

1883, March 3, ch. 95, par. 2, *ante*, p. 401.

Balances of appropriations to be covered into Treasury after two years.

1874, June 20, ch. 328, § 5, *ante*, p. 18.

SEC. 3. That hereafter all moneys received from the sales of animals or material of any sort, purchased under appropriations made for the District of Columbia since July first, eighteen hundred and seventy-eight, other than for the water department, shall be paid into the Treasury of the United States, to the credit of the United States and the District in equal parts;

And all balances of appropriations that have been heretofore or that shall be hereafter made for the District of Columbia under section three of the act of June eleventh, eighteen hundred and seventy-eight, entitled "An act providing a permanent form of government for the District of Columbia," heretofore or hereafter remaining unexpended at the end of two years from the close of the fiscal year for which such appropriations have been or shall be made, shall be covered into the Treasury, one-half to the credit of the surplus fund and one-half to the credit of the general fund of the District of Columbia. * * [March 2, 1889.]

NOTE.—(1) The institutions named in the act are The Temporary Home for Soldiers and Sailors, Grand Army of the Republic, Young Woman's Christian Home, Woman's Christian Temperance Union, Columbia Hospital for Women and Lying-in Asylum, Woman's Christian Association, National Association for Destitute Colored Women and Children, Christian Hospital, Saint Ann's Infant Asylum, St. Rose Industrial School, German Orphan Asylum Association, Church Orphanage Association of Saint John's Parish, Washington Hospital for Foundlings, Association for Works of Mercy, National Homeopathic Hospital Association, House of the Good Shepherd, and National Temperance Home.

March 2, 1889.

25 Stat. L., 809.

CHAP. 371.—An act making appropriations for the naval service for the fiscal year ending June thirtieth, eighteen hundred and ninety, and for other purposes.

Bureau of Provisions and Clothing in Navy to keep accounts of supplies on hand and report to Congress.

R. S., § 419.
1879, Feb. 14, ch. 68, par. 1, *ante*, p. 216. 1891, March

Be it enacted, &c. * * It shall be the duty of the Bureau of Provisions and Clothing to cause property accounts to be kept of all the supplies pertaining to the naval establishment, and to report annually to Congress the money value of the supplies on hand at the various stations at the beginning of the fiscal year, the dispositions thereof, and of the purchases, and the expenditures of supplies for the year, and the balances remaining on hand at the end thereof. * * [March 2, 1889.]

2, ch. 494, par. 1, *post*, p. 900.

CHAP. 372.—An act making appropriations for the support of the Army for the fiscal year ending June thirtieth, eighteen hundred and ninety, and for other purposes.

March 2, 1889.

Be it enacted, &c., * * [Par. 1.] For the pay of a clerk attendant on the collection and classification of military information from abroad, * * and the officers detailed to obtain the same shall be entitled to mileage and transportation and also commutation of quarters while on this duty, as provided when on other duty (1).
* *

25 Stat. L., 825.

Allowances to officers obtaining military information from abroad.
R. S., 1270, 1273.
1876, July 24, ch. 226, § 2, *ante*, p. 113.
1878, June 18, ch. 35, par. 2, *ante*, note, *post*, p. 75

Purchase of horses.

Limit of number.

[Par. 2.] For the purchase of horses for the cavalry and artillery, and for the Indian scouts and for such infantry as may be mounted, and the expenses incident thereto. * * (2) That hereafter the number of horses purchased under this appropriation, added to the number on hand, shall not at any time exceed the number of enlisted men and Indian scouts in the mounted service; and that no part of this appropriation shall be paid out for horses not purchased by contract, after competition duly invited by the Quartermaster's Department, and an inspection by such Department, all under the direction and authority of the Secretary of War. * *

Regulation of purchase.

R. S., § 3709.
par. 2, *ante*, p. 619.

[Par. 3.] That hereafter the regimental price fixed for altering and fitting soldiers' clothing shall not exceed the cost of making the same at the clothing depots. * *

1888, Sep. 22, ch. 1027, par. 2, *ante*, p. 619.
Army regimental prices for altering clothing not to exceed cost, &c.
R. S., § 1220.

[Par. 4.] *Provided further,* That hereafter the cost to the Ordnance Department of all ordnance and ordnance stores issued to the States, Territories, and District of Columbia, under the act of February twelfth, eighteen hundred and eighty-seven, shall be credited to the appropriation for "manufacture of arms at national armories", and used to procure like ordnance stores, and that said appropriation shall be available until exhausted, not exceeding two years.

Cost of ordnance, &c. issued to States, &c., how credited to appropriations.

1887, Feb. 12, ch. 129, *ante*, p. 537.

(3) * * [March 2, 1889.]

NOTES.—(1) This provision is repeated, 1890, June 13, ch. 423, and 1891, February 24, ch. 264 (26 Stat. L., 151, 773).

(2) This provision, except the word "hereafter," has annually appeared in the Army appropriation acts from 1886 (24 Stat. L., 97, 398, 25 Stat. L., 485), and is repeated, also without the word "hereafter," in the acts for 1890 and 1891 (26 Stat. L., 153, 775). The insertion of this word in this act seems to indicate an intention of making the provision permanent. Frequent instances are found in which a provision is repeated annually in appropriation acts, until, by the insertion of the word "hereafter," permanence is given and the provision is not subsequently repeated; but in this and the instance cited in the note (*ante*, p. 670) appended to 1889, March 1, ch. 342, par. 2, the provision subsequently appears, contrary to the usual rule.

(3) This provision is repeated, 1890, June 13, ch. 423 (26 Stat. L., 156).

CHAP. 373.—An act making an appropriation for the Department of Agriculture for the fiscal year ending June thirtieth, eighteen hundred and ninety, and for other purposes.

March 2, 1889.

Be it enacted, &c., * * Experimental Stations. * * That as far as practicable, all such stations shall devote a portion of their work to the examination and classification of the soils of their respective States and Territories, with a view to securing more extended knowledge and better development of their agricultural capabilities. [March 2, 1889.]

25 Stat. L., 835.

Agricultural experimental stations to examine soils.

1887, March 2, ch. 314, *ante*, p. 550.

CHAP. 374.—An act making appropriations for the service of the Post-Office Department for the fiscal year ending June thirtieth, eighteen hundred and ninety.

March 2, 1889.

Be it enacted, &c. [Par. 1.] (1) That the following sums be, and they are hereby, appropriated for the service of the Post-Office Department, in conformity with the act of July second, eighteen hundred and thirty-six, as follows: * *

25 Stat. L., 841.

Postal service appropriations.

R. S., § 4054.
1836, ch. 270 (5 Stat. L., 80).

NOTE.—(1) So far as this act makes appropriations for one year, it is temporary only; but as it authorizes a classification of the clerks, &c., in first and second class post-offices at salaries not to exceed the sum hereby appropriated, the appropriating clause is here retained as necessary to a complete understanding of the rest.

Clerks, &c., 1st-class offices.

R. S., § 3860.
1883, Mar. 3, ch. 123, § 4, *ante*, p. 406. 1885, Mar. 3, ch. 342, par. 1, *ante*, p. 483. 1886, June 29, ch. 569, *ante*, p. 499. 1890, Oct. 1, ch. 1260, *post*, p. 878.

Assistant postmasters.

1883, Mar. 3, ch. 142, § 1, *ante*, p. 417.

New York.

Secretary and stenographer to postmaster.

Cashiers.

Assistants.

Finance clerks, book-keepers.

Stamp clerks.

Agents.

Superintendents of mails.

New York.

Assistants.

Superintendents of delivery.

New York.

Assistants.

Superintendents of registry.

For compensation to clerks in post-offices, six million five hundred and fifty thousand dollars; and that the Postmaster-General be, and he is hereby, authorized to classify and fix the salaries of the clerks and employes attached to the first-class post-offices, from and after July first, eighteen hundred and eighty-nine, as hereinafter provided:

Provided, however, That the aggregate salaries as fixed by such classification shall not exceed the sum hereby appropriated, namely:

Assistant postmaster, salary not exceeding fifty per centum of the salary of the postmaster, as provided by act of March third, eighteen hundred and eighty-three, graded in even hundreds of dollars, from one thousand five hundred dollars to not exceeding three thousand dollars per annum, except New York, New York, where the salary of the assistant postmaster shall be fixed at three thousand five hundred dollars per annum, and that of the second assistant postmaster at two thousand dollars per annum.

Secretary and stenographer to postmaster, five classes, salary, graded in even hundreds of dollars, from one thousand two hundred dollars to not exceeding one thousand six hundred dollars per annum.

Cashier, five classes, salary, graded in even hundreds of dollars, at one thousand eight hundred dollars, two thousand dollars, two thousand two hundred dollars, two thousand four hundred dollars, and not exceeding two thousand six hundred dollars per annum.

Assistant cashier, three classes, salary, graded in even hundreds of dollars, at one thousand two hundred dollars, one thousand three hundred dollars, and not exceeding one thousand four hundred dollars per annum.

Finance clerks, including book-keepers, six classes, salary, graded in even hundreds of dollars, from one thousand two hundred dollars to not exceeding one thousand seven hundred dollars per annum.

Stamp clerks, ten classes, salary, graded in even hundreds of dollars, from eight hundred dollars to not exceeding one thousand seven hundred dollars per annum.

Stamp agents, as now compensated, at twenty-four dollars per annum.

Superintendents of mails, salary not exceeding forty-five per centum of the salary of the postmaster, as provided by the act of March third, eighteen hundred and eighty-three, graded in even hundreds of dollars, from one thousand three hundred dollars to not exceeding two thousand seven hundred dollars per annum, except at New York, New York, where the salary of the superintendent of mails shall be fixed at three thousand two hundred dollars per annum.

Assistant superintendents of mails, three classes, salary, graded in even hundreds of dollars, at one thousand two hundred dollars, one thousand three hundred dollars, and not exceeding one thousand four hundred dollars per annum.

Superintendents of delivery, salary not exceeding forty-five per centum of the salary of the postmaster, as provided by the act of March third, eighteen hundred and eighty-three, graded in even hundreds of dollars, from one thousand three hundred dollars to not exceeding two thousand seven hundred dollars per annum, except at New York, New York, where the salary of the superintendent of delivery shall be fixed at three thousand two hundred dollars per annum.

Assistant superintendents of delivery, three classes, salary, graded in even hundreds of dollars, at one thousand two hundred dollars, one thousand three hundred dollars, and not exceeding one thousand four hundred dollars per annum.

Superintendents of registry, salary not exceeding thirty-five per centum of the salary of the postmaster, as provided by the act of

March third, eighteen hundred and eighty-three, graded in even hundreds of dollars, from one thousand dollars to not exceeding two thousand one hundred dollars per annum, except at New York, New York, Chicago, Illinois, and Washington District of Columbia, where the salary of the superintendent of registry shall be fixed at not exceeding forty per centum of the salary of the postmaster, as provided by the act of March third, eighteen hundred and eighty-three.

New York, Chicago, Washington.

Assistant superintendents of registry, salary not exceeding twenty-five per centum of the salary of the postmaster, as provided by the act of March third, eighteen hundred and eighty-three, graded in even hundreds of dollars, from one thousand dollars to not exceeding one thousand five hundred dollars per annum, except at New York, New York, where the salary of the first and second assistant superintendents of registry shall be fixed at two thousand four hundred dollars and one thousand eight hundred dollars per annum, respectively.

Assistants.

New York.

Superintendent, money order division, salary not exceeding forty per centum of the salary of the postmaster, as provided by the act of March third, eighteen hundred and eighty-three, graded in even hundreds of dollars, from one thousand dollars to not exceeding two thousand four hundred dollars per annum, except at New York, New York, where the salary of the superintendent of the money-order division shall be fixed at three thousand two hundred dollars per annum.

Superintendents money orders.

New York.

Assistant superintendent, money order division, ten classes, salary, graded in even hundreds of dollars, from eight hundred dollars to not exceeding one thousand eight hundred dollars per annum, except at New York, New York, where the salary of the first and second assistant superintendents of money order and the chief book keeper shall be fixed at two thousand four hundred dollars, one thousand eight hundred dollars, and one thousand eight hundred dollars respectively.

Assistants.

New York.

Superintendents of stations, ten classes, salary, graded in even hundreds of dollars, from one thousand dollars to not exceeding two thousand dollars per annum, except at New York, New York, where the salaries of the superintendents of Stations "A" and "D" shall be fixed at two thousand five hundred dollars each per annum, and superintendents of Stations "E" and "F" shall be fixed at two thousand two hundred dollars each per annum.

Superintendents of stations.

New York.

Clerks in charge of stations, nine classes, salary, graded in even hundreds of dollars, from one hundred dollars to not exceeding nine hundred dollars per annum.

Clerks in charge of stations.

Foremen of crews or working sections, six classes, salary, graded in even hundreds of dollars, from nine hundred dollars to not exceeding one thousand four hundred dollars per annum.

Foremen of working sections, &c.

Mailing clerks, letter distributors, dispatchers, registry, money order, directory, and nixie clerks, nine classes, salary, graded in even hundreds of dollars, from six hundred dollars to not exceeding one thousand four hundred dollars per annum.

Mailing clerks, &c.

Separators and assorters, paper distributors, record clerks, general-delivery clerks, inquiry clerks, clerks for special delivery mail, raters of third and fourth class mail matter, weighers of second class mail matter, stock or supply clerks, and time keepers, seven classes, salary, graded in even hundreds of dollars, from six hundred dollars to not exceeding one thousand two hundred dollars per annum.

Separators, &c.

Stampers and mail messengers, five classes, salary, graded in even hundreds of dollars, from four hundred dollars to not exceeding eight hundred dollars per annum.

Stampers, &c.

Printers, four classes, salary, graded in even hundreds of dollars, from nine hundred dollars to not exceeding one thousand two hundred dollars per annum.

Printers.

Pressmen, messengers, &c.	Pressmen, messengers, watchmen, laborers, janitors, porters, firemen, carpenters, waste-paper examiners, and general-utility clerks, four classes, salary, graded in even hundreds of dollars, from four hundred dollars to not exceeding seven hundred dollars per annum.
Auditor, and draughtsman, New York.	Auditor and draughtsman at New York, New York, three thousand dollars and one thousand two hundred dollars per annum respectively.
Classification in second-class offices.	That the Postmaster-General be, and he is hereby, authorized to classify and fix the salaries of the clerks attached to the second class post-offices, from and after July first, eighteen hundred and eighty-nine, as hereinafter provided:
Limit.	<i>Provided, however,</i> That the aggregate salaries as fixed by such classification as shall be made under this act shall not exceed the several sums appropriated by this act for the service authorized to be classified, namely:
Chief clerk.	Chief clerk, nine classes, salary, graded in even hundred of dollars, from seven hundred dollars to not exceeding one thousand five hundred dollars per annum.
Mailing clerks, &c.	Mailing clerks, letter distributors, dispatchers, registry clerks, stamp clerks, and money-order clerks, five classes, salary, graded in even hundreds of dollars, from six hundred dollars to not exceeding one thousand dollars per annum.
Separators, &c.	Separators, and assorters, paper-distributors, general-delivery clerks, and general utility clerks, four classes, salary, graded in even hundreds of dollars, from six hundred dollars to not exceeding nine hundred dollars per annum.
Stampers, messengers, &c.	Stampers, messengers, porters, janitors, and watchmen, four classes, salary, graded in even hundreds of dollars, from three hundred dollars to not exceeding six hundred dollars:
Promotions to be only with approval of Postmaster-General.	<i>Provided,</i> That when the salaries hereinbefore stated are adjusted and fixed, no clerk or employee shall be promoted or advanced in grade or salary without the approval of the Postmaster-General, in accordance with the requirement of section four hundred and sixty-four, Postal Laws and Regulations, edition of eighteen hundred and eighty-seven; and hereafter postmasters at offices of the first and second classes shall submit rosters of the clerks attached to their respective offices to the Postmaster-General, to take effect from the first day of the fiscal year, July first, instead of January first, as heretofore; and no roster shall be considered in effect until approved by the Postmaster-General.
Rosters of clerks to take effect from July 1.	
Repeal.	That all acts and parts of acts that conflict with the provisions hereinbefore stated are hereby repealed. * *
Not more than \$400 a year for rent 3rd-class offices.	[<i>Par. 2.</i>] That there shall not be allowed for the use of any third class post-office for rent a sum in excess of four hundred dollars, nor more than sixty dollars for fuel and lights in any one year. (1) * *
1888, July 24, ch. 702, <i>ante</i> , p. 600.	[<i>Par. 3.</i>] That the Postmaster General may, when if in his judgment the good of the service so requires make contract for necessary supplies for the free-delivery service for a period not exceeding four years. * * [<i>March 2, 1889.</i>]
Supplies for free-delivery service may be contracted for four years.	NOTE.—(1) This provision is repeated in subsequent appropriation acts (26 Stat L., 207, 1079). See other provisions as to leases, 1885, March 3, par. 2, <i>ante</i> , p. 488.

March 2, 1889.

25 Stat. L., 854.

No public lands except in Missouri hereafter subject to private entry.

R. S., §§ 2353-2376.

Homestead entry may be made, notwithstanding former unperfected entry.

CHAP. 381.—An act to withdraw certain public lands from private entry, and for other purposes

Be it enacted, &c., That from and after the passage of this act no public lands of the United States, except those in the State of Missouri shall be subject to private entry.

1874, June 22, ch. 422 and note, *ante*, p. 40. 1891, March 3, ch. 561, § 9, *post*, p. 943.

SEC. 2. That any person who has not heretofore perfected title to a tract of land of which he has made entry under the homestead law, may make a homestead entry of not exceeding one-quarter section of

public land subject to such entry, such previous filing or entry to the contrary notwithstanding; but this right shall not apply to persons who perfect title to lands under the pre-emption or homestead laws already initiated;

Provided, That all pre-emption settlers upon the public lands whose claims have been initiated prior to the passage of this act may change such entries to homestead entries and proceed to perfect their titles to their respective claims under the homestead law notwithstanding they may have heretofore had the benefit of such law, but such settlers who perfect title to such claims under the homestead law shall not hereafter be entitled to enter other lands under the pre-emption or homestead laws of the United States.

SEC. 3. That whenever it shall be made to appear to the register and receiver of any public land office, under such regulations as the Secretary of the Interior may prescribe, that any settler upon the public domain under existing law is unable by reason of a total or partial destruction or failure of crops, sickness, or other unavoidable casualty, to secure a support for himself, herself, or those dependent upon him or her upon the lands settled upon, then such register and receiver may grant to such settler a leave of absence from the claim upon which he or she has filed for a period not exceeding one year at any one time, and such settler so granted leave of absence shall forfeit no rights by reason of such absence:

Provided, That the time of such actual absence shall not be deducted from the actual residence required by law.

SEC. 4. That the price of all sections and parts of sections of the public lands within the limits of the portions of the several grants of lands to aid in the construction of railroads which have been heretofore and which may hereafter be forfeited, which were by the act making such grants or have since been increased to the double minimum price, and, also, of all lands within the limits of any such railroad grant, but not embraced in such grant lying adjacent to and coterminous with the portions of the line of any such railroad which shall not be completed at the date of this act, is hereby fixed at one dollar and twenty-five cents per acre.

SEC. 5. That any homestead settler who has heretofore entered less than one-quarter section of land may enter other and additional land lying contiguous to the original entry, which shall not, with the land first entered and occupied, exceed in the aggregate one hundred and sixty acres without proof of residence upon and cultivation of the additional entry; and if final proof of settlement and cultivation has been made for the original entry, when the additional entry is made, then the patent shall issue without further proof:

Provided, That this section shall not apply to or for the benefit of any person who at the date of making application for entry hereunder does not own and occupy the lands covered by his original entry:

And provided, That if the original entry should fail for any reason, prior to patent or should appear to be illegal or fraudulent, the additional entry shall not be permitted, or if having been initiated shall be canceled.

SEC. 6. That every person entitled, under the provisions of the homestead laws, to enter a homestead, who has heretofore complied with or who shall hereafter comply with the conditions of said laws, and who shall have made his final proof thereunder for a quantity of land less than one hundred and sixty acres and received the receiver's final receipt therefor, shall be entitled under said laws to enter as a personal right, and not assignable, by legal subdivisions of the public lands of the United States subject to homestead entry, so much additional land as added to the quantity previously so entered by him shall not exceed one hundred and sixty acres:

Provided, That in no case shall patent issue for the land covered by such additional entry until the person making such additional entry

R. S., § 2298.
1891, March 3, ch. 561, § 5, *post*, p. 942.

Pre-emption settlers already initiated may change to homestead entry.

R. S., § 2301.
1891, March 3, ch. 561, § 6, *post*, p. 943.

Leave of absence to settlers on account of crops failing, &c.; how may be granted.

R. S., §§ 2291, 2297.

1879, July 1, ch. 63, *ante*, p. 272.

1881, March 3, ch. 153, *ante*, p. 327.

Absence not to be deducted from time of residence.

Price of forfeited railroad lands.

R. S., § 2357.

1879, March 3, ch. 191, *ante*, p. 257.

1879, July 1, ch. 60, *ante*, p. 271.

1880, June 15, ch. 227, § 3, *ante*, p. 298.

Homestead settlers on less, may enter up to one quarter-section without further proof.

R. S., §§ 2304-2309. 1891, March 3, § 5, ch. 561, *post*, p. 942.

—only owners and occupants.

—not permitted if original entry be void.

Persons entitled to homesteads who have made proof, &c., for less, may enter quarter-section, &c.

1891, March 3, ch. 561, § 5, *post*, p. 942.

Patent not to issue without residence.

shall have actually and in conformity with the homestead laws resided upon and cultivated the lands so additionally entered and otherwise fully complied with such laws:

Soldiers' certificates not affected. R. S., §§ 2304-2309.

Completing proof extended in case of unavoidable delay.

1879, March 3, ch. 192, *ante*, p. 258

Abandoned military reservation act not repealed, &c.

1884, July 5, ch. 214, *ante*, p. 453.

Provided, also, That this section shall not be construed as affecting any rights as to location of soldiers certificates heretofore issued under section two thousand three hundred and six of the Revised Statutes.

SEC. 7. That the "act to provide additional regulations for homestead and pre-emption entries of public lands," approved March third, eighteen hundred and seventy-nine, shall not be construed to forbid the taking of testimony for final proof within ten days following the day advertised as upon which such final proof shall be made, in cases where accident or unavoidable delays have prevented the applicant or witnesses from making such proof on the date specified.

SEC. 8. That nothing in this act shall be construed as suspending, repealing or in any way rendering inoperative the provisions of the act entitled, "An act to provide for the disposal of abandoned and useless military reservations," approved July fifth, eighteen hundred and eighty-four. [March 2, 1889.]

March 2, 1889.

CHAP. 382.—An act to amend an act entitled "An act to regulate commerce," approved February fourth, eighteen hundred and eighty-seven.

25 Stat. L., 855.

Interstate commerce.

Amendments.

1887, Feb. 4, ch. 104, *ante*, p. 529.

Common carriers to print and post schedules.

Be it enacted, &c., That section six of an act entitled "An act to regulate commerce," approved February fourth, eighteen hundred and eighty-seven, be, and it is hereby, amended so as to read as follows:

SEC. 6. That every common carrier subject to the provisions of this act shall print and keep open to public inspection schedules showing the rates and fares and charges for the transportation of passengers and property which any such common carrier has established and which are in force at the time upon its route.

The schedules printed as aforesaid by any such common carrier shall plainly state the places upon its railroad between which property and passengers will be carried, and shall contain the classification of freight in force, and shall also state separately the terminal charges and any rules or regulations which in any wise change, affect, or determine any part or the aggregate of such aforesaid rates and fares and charges.

Such schedules shall be plainly printed in large type, and copies for the use of the public shall be posted in two public and conspicuous places, in every depot, station, or office of such carrier where passengers or freight, respectively, are received for transportation in such form that they shall be accessible to the public and can be conveniently inspected.

"Any common carrier subject to the provisions of this act receiving freight in the United States to be carried through a foreign country to any place in the United States shall also in like manner print and keep open to public inspection, at every depot or office where such freight is received for shipment, schedules showing the through rates established and charged by such common carrier to all points in the United States beyond the foreign country to which it accepts freight for shipment;

And any freight shipped from the United States, through a foreign country into the United States, the through rate on which shall not have been made public as required by this act, shall, before it is admitted into the United States from said foreign country, be sub-

Substitute for 1887, Feb. 6, ch. 104, § 6 (24 Stat. L., 380).

Contents.

To be posted in stations.

Schedules of freight through foreign countries.

Goods shipped from U.S. through foreign country to pay duty unless through rate made public.

ject to customs duties as if said freight were of foreign production; and any law in conflict with this section is hereby repealed.

R. S., §§ 3006, 3007.

“No advance shall be made in the rates, fares, and charges which have been established and published as aforesaid by any common carrier in compliance with the requirements of this section, except after ten days’ public notice, which shall plainly state the changes proposed to be made in the schedule then in force, and the time when the increased rates, fares, or charges will go into effect; and the proposed changes shall be shown by printing new schedules, or shall be plainly indicated upon the schedules in force at the time and kept open to public inspection.

Advance in rates not to be made until after ten days’ notice.

Reductions in such published rates, fares, or charges shall only be made after three days’ previous public notice, to be given in the same manner that notice of an advance in rates must be given.

No reductions without notice.

“And when any such common carrier shall have established and published its rates, fares, and charges in compliance with the provisions of this section, it shall be unlawful for such common carrier to charge, demand, collect, or receive from any person or persons a greater or less compensation for the transportation of passengers or property, or for any services in connection therewith, than is specified in such published schedule of rates, fares, and charges as may at the time be in force.

Deviations from schedule rates prohibited.

“Every common carrier subject to the provisions of this act shall file with the Commission hereinafter provided for copies of its schedules of rates, fares, and charges which have been established and published in compliance with the requirements of this section, and shall promptly notify said Commission of all changes made in the same. Every such common carrier shall also file with said Commission copies of all contracts, agreements, or arrangements with other common carriers in relation to any traffic affected by the provisions of this act to which it may be a party.

Copies of schedules, contracts, &c. to be filed with Commission.

1888, Aug. 7, ch. 772, § 6, *ante*, p. 604.

And in cases where passengers and freight pass over continuous lines or routes operated by more than one common carrier, and the several common carriers operating such lines or routes establish joint tariffs of rates or fares or charges for such continuous lines or routes, copies of such joint tariffs shall also, in like manner, be filed with said Commission. Such joint rates, fares, and charges on such continuous lines so filed as aforesaid shall be made public by such common carriers when directed by said Commission, in so far as may, in the judgment of the Commission, be deemed practicable;

—of joint rate tariffs over continuous routes of different carriers.

And said Commission shall from time to time prescribe the measure of publicity which shall be given to such rates, fares, and charges, or to such part of them as it may deem it practicable for such common carrier to publish, and the places in which they shall be published.

Commission to prescribe measures of publicity.

“No advance shall be made in joint rates, fares, and charges, shown upon joint tariffs, except after ten days’ notice to the Commission, which shall plainly state the changes proposed to be made in the schedule then in force, and the time when the increased rates, fares, or charges will go into effect.

Advances in joint rates not to be made until ten days’ notice.

No reduction shall be made in joint rates, fares, and charges, except after three days’ notice, to be given to the Commission as is above provided in the case of an advance of joint rates.

No reductions without notice.

The Commission may make public such proposed advances or such reductions, in such manner as may, in its judgment, be deemed practicable, and may prescribe from time to time the measure of publicity which common carriers shall give to advances or reductions in joint tariffs.

Commission may publish or prescribe measures of publicity.

“It shall be unlawful for any common carrier, party to any joint tariff, to charge, demand, collect, or receive from any person or persons a greater or less compensation for the transportation of persons or property, or for any services in connection therewith, between any

Deviations from joint rates unlawful.

points as to which a joint rate, fare, or charge is named thereon than is specified in the schedule filed with the Commission in force at the time.

Form of schedules to be prescribed by commissioners.

"The Commission may determine and prescribe the form in which the schedules required by this section to be kept open to public inspection shall be prepared and arranged, and may change the form from time to time as shall be found expedient.

Proceedings on failure to file or publish schedules.

"If any such common carrier shall neglect or refuse to file or publish its schedules or tariffs of rates, fares, and charges as provided in this section, or any part of the same, such common carrier shall, in addition to other penalties herein prescribed, be subject to a writ of mandamus, to be issued by any circuit court of the United States in the judicial district wherein the principal office of said common carrier is situated, or wherein such offense may be committed, and if such common carrier be a foreign corporation in the judicial circuit wherein such common carrier accepts traffic and has an agent to perform such service, to compel compliance with the aforesaid provisions of this section; and such writ shall issue in the name of the people of the United States, at the relation of the Commissioners appointed under the provisions of this act; and the failure to comply with its requirements shall be punishable as and for a contempt;

Injunction to restrain transportation till requirements are complied with.

And the said Commissioners as complainants, may also apply, in any such circuit court of the United States, for a writ of injunction against such common carrier, to restrain such common carrier from receiving or transporting property among the several States and Territories of the United States, or between the United States and adjacent foreign countries, or between ports of transshipment and of entry and the several States and Territories of the United States, as mentioned in the first section of this act, until such common carrier shall have complied with the aforesaid provisions of this section of this act."

Punishment for willful violation of act.

SEC. 2. That section ten of said act is hereby amended so as to read as follows:

Substitute for 1887, Feb. 4, ch. 104, § 10 (24 Stat. L., 382.)
37 Fed. Rep., 635.
43 Fed. Rep., 26.

"SEC. 10. That any common carrier subject to the provisions of this act, or, whenever such common carrier is a corporation, any director or officer thereof, or any receiver, trustee, lessee, agent, or person, acting for or employed by such corporation, who, alone or with any other corporation, company, person, or party, shall willfully do or cause to be done, or shall willingly suffer or permit to be done, any act, matter, or thing in this act prohibited or declared to be unlawful, or who shall aid or abet therein, or shall willfully omit or fail to do any act, matter, or thing in this act required to be done, or shall cause or willingly suffer or permit any act, matter, or thing so directed or required by this act to be done not to be so done, or shall aid or abet any such omission or failure, or shall be guilty of any infraction of this act, or shall aid or abet therein, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof in any district court of the United States within the jurisdiction of which such offense was committed, be subject to a fine of not to exceed five thousand dollars for each offense:

—for unlawful discrimination.
44 Fed. Rep., 268, 271.

Provided, That if the offense for which any person shall be convicted as aforesaid shall be an unlawful discrimination in rates, fares, or charges, for the transportation of passengers or property, such person shall, in addition to the fine hereinbefore provided for, be liable to imprisonment in the penitentiary for a term of not exceeding two years, or both such fine and imprisonment, in the discretion of the court.

—for false billing, classification, weighing, &c.

"Any common carrier subject to the provisions of this act, or, whenever such common carrier is a corporation, any officer or agent thereof, or any person acting for or employed by such corporation, who, by means of false billing, false classification, false weighing, or false report of weight, or by any other device or means, shall know-

ingly and willfully assist, or shall willingly suffer or permit, any person or persons to obtain transportation for property at less than the regular rates then established and in force on the line of transportation of such common carrier, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof in any court of the United States of competent jurisdiction within the district in which such offense was committed, be subject to a fine of not exceeding five thousand dollars, or imprisonment in the penitentiary for a term of not exceeding two years, or both, in the discretion of the court, for each offense.

“Any person and any officer or agent of any corporation or company who shall deliver property for transportation to any common carrier, subject to the provisions of this act, or for whom as consignor or consignee any such carrier shall transport property, who shall knowingly and willfully, by false billing, false classification, false weighing, false representation of the contents of the package, or false report of weight, or by any other device or means, whether with or without the consent or connivance of the carrier, its agent or agents, obtain transportation for such property at less than the regular rates then established and in force on the line of transportation, shall be deemed guilty of fraud, which is hereby declared to be a misdemeanor, and shall, upon conviction thereof in any court of the United States of competent jurisdiction within the district in which such offense was committed, be subject for each offense to a fine of not exceeding five thousand dollars or imprisonment in the penitentiary for a term of not exceeding two years, or both, in the discretion of the court.”

—of shippers
falsely billing, &c.

“If any such person, or any officer or agent of any such corporation or company, shall, by payment of money or other thing of value, solicitation, or otherwise, induce any common carrier subject to the provisions of this act, or any of its officers or agents, to discriminate unjustly in his, its, or their favor as against any other consignor or consignee in the transportation of property, or shall aid or abet any common carrier in any such unjust discrimination, such person, or such officer or agent of such corporation or company, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof in any court of the United States of competent jurisdiction within the district in which such offense was committed, be subject to a fine of not exceeding five thousand dollars, or imprisonment in the penitentiary for a term of not exceeding two years, or both, in the discretion of the court, for each offense; and such person, corporation, or company shall also, together with said common carrier, be liable, jointly or severally, in an action on the case to be brought by any consignor or consignee discriminated against in any court of the United States of competent jurisdiction for all damages caused by or resulting therefrom.”

—of shipper for
inducing discrim-
inations.

SEC. 3. [*The substitute here enacted for 1887, Feb. 4, ch. 104, § 12 (24 Stat. L., 383), is superseded by a later substitute, 1891, Feb. 10, ch. 128, post, p. 891.*]

SEC. 4. That section fourteen of said act is hereby amended so as to read as follows:

“SEC. 14. That whenever an investigation shall be made by said Commission, it shall be its duty to make a report in writing in respect thereto, which shall include the findings of fact upon which the conclusions of the Commission are based, together with its recommendation as to what reparation, if any, should be made by the common carrier to any party or parties who may be found to have been injured; and such findings so made shall thereafter, in all judicial proceedings, be deemed prima facie evidence as to each and every fact found.

Written reports
of investigations
to be made by
Commissioners.

Substitute for
1887, Feb. 4, ch.
104, § 14 (24 Stat.
L., 384).

“All reports of investigations made by the Commission shall be entered of record, and a copy thereof shall be furnished to the party who may have complained, and to any common carrier that may have been complained of.

Copies to be
entered of record
and furnished to
parties.

Reports and decisions may be printed and distributed by Commission.

“The Commission may provide for the publication of its reports and decisions in such form and manner as may be best adapted for public information and use, and such authorized publications shall be competent evidence of the reports and decisions of the Commission therein contained, in all courts of the United States, and of the several States, without any further proof or authentication thereof. The Commission may also cause to be printed for early distribution its annual reports.”

Proceedings in circuit courts for violations of act and for refusal to obey Commission.

SEC. 5. That section sixteen of said act is hereby amended so as to read as follows:

Substitute for 1887, Feb. 4, ch. 104, § 16 (24 Stat. L., 384).

“SEC. 16. That whenever any common carrier, as defined in and subject to the provisions of this act, shall violate, or refuse or neglect to obey or perform any lawful order or requirement of the Commission created by this act, not founded upon a controversy requiring a trial by jury, as provided by the seventh amendment to the Constitution of the United States, it shall be lawful for the Commission or for any company or person interested in such order or requirement, to apply in a summary way, by petition, to the circuit court of the United States sitting in equity in the judicial district in which the common carrier complained of has its principal office, or in which the violation or disobedience of such order or requirement shall happen, alleging such violation or disobedience, as the case may be;

Court to hear on short notice.

And the said court shall have power to hear and determine the matter, on such short notice to the common carrier complained of as the court shall deem reasonable; and such notice may be served on such common carrier, his or its officers, agents, or servants in such manner as the court shall direct;

—as a court of equity without formal pleadings.

And said court shall proceed to hear and determine the matter speedily as a court of equity, and without the formal pleadings and proceedings applicable to ordinary suits in equity, but in such manner as to do justice in the premises; and to this end such court shall have power, if it think fit, to direct and prosecute in such mode and by such persons as it may appoint, all such inquiries as the court may think needful to enable it to form a just judgment in the matter of such petition;

Report of Commission prima facie as to facts. Court may issue injunction or other process.

And on such hearing the findings of fact in the report of said Commission shall be prima facie evidence of the matters therein stated; and if it be made to appear to such court, on such hearing or on report of any such person or persons, that the lawful order or requirement of said Commission drawn in question has been violated or disobeyed, it shall be lawful for such court to issue a writ of injunction or other proper process, mandatory or otherwise, to restrain such common carrier from further continuing such violation or disobedience of such order or requirement of said Commission, and enjoining obedience to the same;

Obedience enforced by attachment or fine.

And in case of any disobedience of any such writ of injunction or other proper process, mandatory or otherwise, it shall be lawful for such court to issue writs of attachment, or any other process of said court incident or applicable to writs of injunction or other proper process, mandatory or otherwise, against such common carrier, and if a corporation, against one or more of the directors, officers, or agents of the same, or against any owner, lessee, trustee, receiver, or other person failing to obey such writ of injunction, or other proper process, mandatory or otherwise; and said court may, if it shall think fit, make an order directing such common carrier or other person so disobeying such writ of injunction or other proper process, mandatory or otherwise, to pay such sum of money, not exceeding for each carrier or person in default the sum of five hundred dollars for every day, after a day to be named in the order, that such carrier or other person shall fail to obey such injunction or other proper process, mandatory or otherwise; and such moneys shall be payable as the court shall direct, either to the party complaining or into

court, to abide the ultimate decision of the court, or into the Treasury; and payment thereof may, without prejudice to any other mode of recovering the same, be enforced by attachment or order in the nature of a writ of execution, in like manner as if the same had been recovered by a final decree in personam in such court.

When the subject in dispute shall be of the value of two thousand dollars or more, either party to such proceeding before said court may appeal to the Supreme Court of the United States, under the same regulations now provided by law in respect of security for such appeal; but such appeal shall not operate to stay or supercede the order of the court or the execution of any writ or process thereon; and such court may, in every such matter, order the payment of such costs and counsel fees as shall be deemed reasonable.

Whenever any such petition shall be filed or presented by the Commission it shall be the duty of the district attorney, under the direction of the Attorney-General of the United States, to prosecute the same; and the costs and expenses of such prosecution shall be paid out of the appropriation for the expenses of the courts of the United States.

“If the matters involved in any such order or requirement of said Commission are founded upon a controversy requiring a trial by jury, as provided by the seventh amendment to the Constitution of the United States, and any such common carrier shall violate or refuse or neglect to obey or perform the same, after notice given by said Commission as provided in the fifteenth section of this act, it shall be lawful for any company or person interested in such order or requirement to apply in a summary way by petition to the circuit court of the United States sitting as a court of law in the judicial district in which the carrier complained of has its principal office, or in which the violation of disobedience of such order or requirement shall happen, alleging such violation or disobedience as the case may be; and said court shall by its order then fix a time and place for the trial of said cause, which shall not be less than twenty nor more than forty days from the time said order is made, and it shall be the duty of the marshal of the district in which said proceeding is pending to forthwith serve a copy of said petition, and of said order, upon each of the defendants, and it shall be the duty of the defendants to file their answers to said petition within ten days after the service of the same upon them as aforesaid.

At the trial of the findings of fact of said Commission as set forth in its report shall be prima facie evidence of the matters therein stated, and if either party shall demand a jury or shall omit to waive a jury the court shall, by its order, direct the marshal forthwith to summon a jury to try the cause;

But if all the parties shall waive a jury in writing, then the court shall try the issues in said cause and render its judgment thereon.

If the subject in dispute shall be of the value of two thousand dollars or more either party may appeal to the Supreme Court of the United States under the same regulations now provided by law in respect to security for such appeal; but such appeal must be taken within twenty days from the day of the rendition of the judgment of said circuit court.

If the judgment of the circuit court shall be in favor of the party complaining, he or they shall be entitled to recover a reasonable counsel or attorney's fee, to be fixed by the court, which shall be collected as part of the costs in the case.

For the purposes of this act, excepting its penal provisions, the circuit courts of the United States shall be deemed to be always in session.”

SEC. 6. That section seventeen of said act is hereby amended so as to read as follows:

Appeals to Supreme Court.
R. S., §§ 691, 692.
1891, March 3,
ch. 517, note (1)
and §§ 5, 6, *post*,
pp. 901, 903.

District attorney
to prosecute.

Proceedings on
orders or require-
ments of commis-
sion in matters re-
quiring jury trials.

—findings of fact
by commission to
be prima facie evi-
dence.

Jury may be
waived.

— appeal to Su-
preme Court in
cases of \$2,000.

R. S., §§ 691,
692.

1891, Mar. 3, ch.
5, 6, *post*, p. 903.

Taxation of
counsel fee.

Circuit courts
deemed always in
session.

Proceedings of Commission, rules, quorum, appearances.

Substitute for
1887, Feb. 4, ch. 104, § 17 (24 Stat. L., 385).

Votes and acts of Commission to be recorded.

Official seal.

Oaths and subpenas.

Commissioners' salaries.

Substitute for
1887, Feb. 4, ch. 104, § 18 (24 Stat. L., 386).

Secretary and employees.

Offices.

Witness fees.
R. S., § 848.

Expenses.
1888, Oct. 2, ch. 1069, par. 6, *ante*, p. 627.

1889, March 2, ch. 411, par. 3, *post*, p. 668.

Annual report of commission to Congress.

Substitute for
1887, Feb. 4, ch. 104, § 21 (24 Stat. L., 387).

— what to contain.

Free carriage not prevented, when.

Substitute for
1887, Feb. 4, ch. 104, § 22 (25 Stat. L., 387).

—for government.

—charity.

—fairs.

“SEC. 17. That the Commission may conduct its proceedings in such manner as will best conduce to the proper dispatch of business and to the ends of justice. A majority of the Commission shall constitute a quorum for the transaction of business, but no Commissioner shall participate in any hearing or proceeding in which he has any pecuniary interest. Said Commission may, from time to time, make or amend such general rules or orders as may be requisite for the order and regulation of proceedings before it, including forms of notices and the service thereof, which shall conform, as nearly as may be, to those in use in the courts of the United States. Any party may appear before said Commission and be heard, in person or by attorney.

Every vote and official act of the Commission shall be entered of record, and its proceedings shall be public upon the request of either party interested.

Said Commission shall have an official seal, which shall be judicially noticed.

Either of the members of the Commission may administer oaths and affirmations and sign subpoenas.”

SEC. 7. That section eighteen of said act is hereby amended so as to read as follows:

“SEC. 18. That each Commissioner shall receive an annual salary of seven thousand five hundred dollars, payable (1) in the same manner as the judges of the courts of the United States.

The Commission shall appoint a secretary, who shall receive an annual salary of three thousand five hundred dollars, payable in like manner. The Commission shall have authority to employ and fix the compensation of such other employees as it may find necessary to the proper performance of its duties.

Until otherwise provided by law, the Commission may hire suitable offices for its use, and shall have authority to procure all necessary office supplies.

Witnesses summoned before the Commission shall be paid the same fees and mileage that are paid witnesses in the courts of the United States.

“All of the expenses of the Commission, including all necessary expenses for transportation incurred by the Commissioners, or by their employes under their orders, in making any investigation, or upon official business in any other places than in the City of Washington, shall be allowed and paid on the presentation of itemized vouchers therefor approved by the chairman of the Commission.”

SEC. 8. That section twenty-one of said act is hereby amended so as to read as follows:

“SEC. 21. That the Commission shall, on or before the first day of December in each year, make a report, which shall be transmitted to Congress, and copies of which shall be distributed as are the other reports transmitted to Congress.

This report shall contain such information and data collected by the Commission as may be considered of value in the determination of questions connected with the regulation of commerce, together with such recommendations as to additional legislation relating thereto as the Commission may deem necessary; and the names and compensation of the persons employed by said Commission.”

SEC. 9. That section twenty-two of said act is hereby amended so as to read as follows:

“SEC. 22. That nothing in this act shall prevent the carriage, storage, or handling of property free or at reduced rates

For the United States, State, or municipal governments,
Or for charitable purposes,
Or to or from fairs and expositions for exhibition thereat,

NOTE.—(1) By 1861, March 3, ch. 130, par. 4, *ante*, p. 320, these are payable monthly.

Or the free carriage of destitute and homeless persons transported by charitable societies, —destitute persons.

And the necessary agents employed in such transportation, —agents for these.
Or the issuance of mileage, excursion, or commutation passenger tickets; Commutation, &c. —
43 Fed. Rep., 37.

Nothing in this act shall be construed to prohibit any common carrier from giving reduced rates to ministers of religion, —ministers.

Or to municipal governments for the transportation of indigent persons, —indigents.

Or to inmates of the (2) National Homes or State Homes for Disabled Volunteer Soldiers and of Soldiers' and Sailors' Orphan Homes, including those about to enter and those returning home after discharge, under arrangements with the boards of managers of said homes, —inmates of Soldiers' Homes, &c.

Nothing in this act shall be construed to prevent railroads from giving free carriage to their own officers and employees, —officers and employees.
31 Fed. Rep., 315.

Or to prevent the principal officers of any railroad company or companies from exchanging passes or tickets with other railroad companies for their officers and employees; —exchanges for officers.

And nothing in this act contained shall in any way abridge or alter the remedies now existing at common law or by statute, but the provisions of this act are in addition to such remedies: Existing remedies not affected.

Provided, That no pending litigation shall in any way be affected by this act." Pending litigation.

SEC. 10. That the circuit and district courts of the United States shall have jurisdiction upon the relation of any person or persons, firm, or corporation, alleging such violation by a common carrier, of any of the provisions of the act to which this is a supplement and all acts amendatory thereof, as prevents the relator from having interstate traffic moved by said common carrier at the same rates as are charged, or upon terms or conditions as favorable as those given by said common carrier for like traffic under similar conditions to any other shipper, to issue a writ or writs of mandamus against said common carrier, commanding such common carrier to move and transport the traffic, or to furnish cars or other facilities for transportation for the party applying for the writ; Circuit and district courts may issue mandamus to compel equal facilities to shippers.

Provided, That if any question of fact as to the proper compensation to the common carrier for the service to be enforced by the writ is raised by the pleadings, the writ of peremptory mandamus may issue, notwithstanding such question of fact is undetermined, upon such terms as to security, payment of money into the court, or otherwise, as the court may think proper, pending the determination of the question of fact: Proceedings pending determination of certain questions of fact raised by pleadings.

Provided, That the remedy hereby given by writ of mandamus shall be cumulative, and shall not be held to exclude or interfere with other remedies provided by this act or the act to which it is a supplement. [March 2, 1889.] Other remedies not excluded.
1887, Feb. 4, ch. 104, §§ 8, 9, 13, ante, pp. 530, 531.

NOTE.—(2) See note on Soldiers' Homes, to 1875, March 3, ch. 129, par. 6, ante, p. 71.

March 2, 1869. CHAP. 390.—An act for the relief of certain volunteer and regular soldiers of the late war and the war with Mexico (1).

25 Stat. L., 869.

Charges of desertion may be removed from record of volunteer soldiers in late war.

R. S., §§ 1906, 1907.

—if he served term of enlistment.

—or until May 1, 1865.

—or was prevented from serving by disabilities.

Charges of desertion may be removed in cases of regular or volunteer service in late war.

—in cases of return to duty in reasonable time.

—in cases of absence while sick or wounded and return to duty.

—absence and death from disability in line of duty.

Removal, where soldier, regular or volunteer, who re-enlisted before discharge from existing enlistment.

Be it enacted, &c., That the charge of desertion now standing on the rolls and records in the office of the Adjutant General of the United States Army against any soldier who served in the late war in the volunteer service shall be removed in all cases where it shall be made to appear to the satisfaction of the Secretary of War from such rolls and records, or from other satisfactory testimony.

That such soldier served faithfully until the expiration of his term of enlistment,

Or until the first day of May, anno domini eighteen hundred and sixty-five, having previously served six months or more.

And, by reason of absence from his command at the time the same was mustered out, failed to be mustered out and to receive an honorable discharge,

Or that such soldier absented himself from his command, or from hospital while suffering from wounds, injuries, or disease received or contracted in the line of duty and was prevented from completing his term of enlistment by reason of such wounds, injuries, or disease.

SEC. 2. That the Secretary of War is hereby authorized to remove the charge of desertion from the record of any regular or volunteer soldier in the late war upon proper application therefor, and satisfactory proof in the following cases:

First. That such soldier, after such charge of desertion was made, and within a reasonable time thereafter, voluntarily returned to his command and served faithfully to the end of his term of service, or until discharged.

Second. That such soldier absented himself from his command or from hospital while suffering from wounds, injuries, or disease, received or contracted in the line of duty, and upon recovery voluntarily returned to his command and served faithfully thereafter,

Or died from such wounds, injuries, or disease while so absent, and before the date of muster out of his command, or expiration of his term of service, or was prevented from so returning by reason of such wounds, injuries, or diseases before such muster out, or expiration of service.

Third. [*For substitute for this paragraph see 1891, March 2, ch. 498, post, p. 901.*]

SEC. 3. That the charge of desertion now standing on the rolls and records in the office of the Adjutant General of the Army against any regular or volunteer soldier who served in the late war of the rebellion by reason of his having enlisted in any regiment, troop, or company, or in the United States Navy or Marine Corps,

NOTE.—(1) By 1882, Aug. 7, ch. 442, 22 Stat. L. 347, the removal of charges of desertion from the records of volunteer soldiers of the late war was authorized in four classes of cases:

First, (§ 1) where a soldier served faithfully until the expiration of the term of his enlistment;

Second, (§ 1) where he served faithfully until May 22, 1865;

Third, (§ 1) where he was prevented from completing his term of service by reason of wounds received or disease contracted in line of duty and was therefore absent from his command and failed to receive an honorable discharge;

Fourth, (§ 2) where he left his command and afterward voluntarily returned and received an honorable discharge.

But in the fourth section of this act it was provided that no soldier should receive its benefits, "who intentionally deserted."

The offense of desertion is defined by military authorities as absence without leave, with the intention of not returning, and the intent not to return is considered the gist of the offense. The Secretary of War has always asserted and exercised the right, under his general powers as custodian of the rolls of the army, wherever a charge of desertion was erroneously made, to remove the charge. Wherever it could be made to appear that the guilty intent was wanting, he thus had authority, without the act of August 7, 1882, to remove these charges. It was therefore held by the War Department that the act of 1882, August 7, ch. 442, did not enlarge the existing authority of the Secretary of War, and practically no action was taken under it.

The act of 1864, July 5, ch. 222 (23 Stat. L., 119), omitted the proviso in regard to intentional desertion and enlarged the classes benefited by the former act. This act includes all the classes, with some amendments, included in the act of 1882. Its intent would seem to be to cover the whole ground of the act of 1862, thereby repealing that act.

The above act of 1869, March 2, ch. 390, includes the classes included in the act of July 5, 1864, with others, and also embraces an additional class who were the subject of special legislation by 1866, May 17, ch. 341 (24 Stat. L., 51). It also extends to soldiers of the Mexican War. This act seems to be intended to cover completely the ground covered by the act of 1864, and to be a final declaration of the legislative will on this whole subject. The other acts of 1882, 1884, and 1886 are therefore omitted from this volume, as superseded. Similar provisions as to the Navy occur in 1868, Aug. 14, ch. 890, *ante*, p. 615.

without having first received a discharge from the regiment, troop, or company in which he had previously served, shall be removed in all cases wherein it shall be made to appear to the satisfaction of the Secretary of War, from such rolls and records, or from other satisfactory testimony, that such re-enlistment was not made for the purpose of securing bounty or other gratuity that he would not have been entitled to, had he remained under his original term of enlistment; that the absence from the service did not exceed four months, and that such soldier served faithfully under his re-enlistment.

SEC. 4. That whenever it shall appear from the official records in the office of the Adjutant General, United States Army, that any regular or volunteer soldier of the late war was formally restored to duty from desertion by the Commander competent to order his trial for the offense, or, having deserted and being charged with desertion, was, on return to the service, suffered, without such formal restoration, to resume his place in the ranks of his command, serving faithfully thereafter until the expiration of his term, such soldier shall not be deemed to rest under any disability, because of such desertion, in the prosecution of any claim for pension on account of disease contracted, or wounds or injuries received in the line of his duty as a soldier.

When regular or volunteer permitted to return to duty after desertion, without trial, not deprived of pension.

15 Wall., 34.
92 U. S., 77.

SEC. 5. That when the charge of desertion shall be removed under the provisions of this act from the record of any soldier, such soldier, or, in case of his death, the heirs or legal representatives of such soldier, shall receive the pay and bounty due to such soldier:

When charge is removed soldier, or heirs to have pay and bounty.

Provided, however. That this act shall not be so construed as to give to any such soldier, or, in case of his death, to the heirs or legal representatives of any such soldier, any pay, bounty, or allowance for any time during which such soldier was absent from his command without proper authority, nor shall it be so construed as to give any pay, bounty, or allowance to any soldier, his heirs or legal representatives, who served in the Army a period of less than six months.

—but no pay while absent.

SEC. 6. That the Secretary of War be, and he hereby is authorized and directed to amend the military record of any soldier who enlisted for the war with Mexico, upon proper application, where the rolls and records of the Adjutant General's office show the charge of desertion against him, when such rolls and records show the facts set out in the following cases:

Mexican war soldiers. Removal of charge of desertion.

First. That said soldier served faithfully the full term of his enlistment,

—if served term of enlistment.

Or having served faithfully for six months or more, and until the fourth day of July anno domini eighteen hundred and forty eight, left his command without having received a discharge.

—or until July 4, 1848.

Second. That such soldier, after said charge of desertion was entered on the rolls, voluntarily returned to his command within a reasonable time, and served faithfully until discharged.

—if voluntary returned.

SEC. 7. That the provisions of this act shall not be so construed as to relieve any soldier from the charge of desertion

Cases excepted.

Who left his command from disaffection or disloyalty to the Government,

Or to evade the dangers and hardships of the service,
Or whilst in the presence of the enemy (not being sick or wounded),
Or while in arrest or under charges for breach of military duty,
Or in case of a soldier of the Mexican War, who did not actually reach the seat of war.

SEC. 8. That when such charge of desertion is removed under the provisions of this act, the soldier shall be restored to a status of honorable service, his military record shall be corrected as the facts may require, and an honorable discharge shall be issued in those cases where the soldier has received none;

When charge is removed, military record to be corrected and honorable discharge to issue.

And he shall be restored to all his rights as to pension, pay, or allowances as if the charge of desertion had never been made;

Rights to pension and pay restored.

Widow or heirs succeed to rights.

And in case of the death of said soldier, his widow or other legal heir shall be entitled to the same rights as in case of other deceased honorably discharged soldiers:

No pay while absent.

Provided, That this act shall not be construed to give to any soldier, or his legal representatives or heir, any pay or allowance for any period of time he was absent without leave, and not in the performance of military duty.

Claims to be barred if not filed within three years from July 1, 1889.

SEC. 9. That all applications for relief under this act shall be made to and filed with the Secretary of War within the period of three years from and after July first, eighteen hundred and eighty nine, and all applications not so made and filed within said term of three years shall be forever barred, and shall not be received or considered.

Repeal.

SEC. 10. That all acts and parts of acts inconsistent with the provisions of this act are hereby repealed. [March 2, 1889.]

March 2, 1889.

CHAP. 392.—An act to secure for the District of Columbia a compilation of the laws of said District and for other purposes

25 Stat. L., 872.

District of Columbia.

Commission to compile Statutes.

Be it enacted, &c., That the supreme court of the District of Columbia be, and is hereby, authorized and directed to appoint two persons learned in the law as Commissioners to compile, arrange, and classify, with a proper index, (1) all statutes and parts of statutes in force in the said District, including the acts of the second session of the Fiftieth Congress, and relating to all such matters as would properly come within the scope of a civil and criminal code; and the said court shall have power to fill any vacancies occurring in said commission.

Compensation.

SEC. 2. That each of the said commissioners shall receive for his services such sum, not exceeding one thousand five hundred dollars, as said court shall deem reasonable; said sum to be paid upon the completion of the work and the approval thereof in writing by the court; which sums, together with the reasonable costs, incurred by the commission for clerical assistance and incidental expenses, not exceeding the sum of one thousand dollars, shall be paid by the Secretary of the Treasury out of any moneys not otherwise appropriated, one half to be paid out of the revenues of the District of Columbia.

Work to be approved by court.

Expenses.

Printing and sale.

SEC. 3. That of said compilation, when completed, upon the order of the supreme court of the District of Columbia, there shall be printed five thousand copies at the Government Printing Office, said copies to be sold at ten per centum above cost. [March 2, 1889.]

NOTE.—(1) See note (3) to 1878, June 11, ch. 180, § 1, *ante*, p. 173.

March 2, 1889.

CHAP. 393.—An act to punish dealers and pretended dealers in counterfeit money and other fraudulent devices for using the United States mails.

25 Stat. L., 873.

Postal crimes.

Be it enacted, &c., “That section fifty-four hundred and eighty of the Revised Statutes be, and the same is hereby, so amended so as to read as follows:

Using mails for offering to sell or purchase counterfeit money, prohibited.

Substitute for R. S., § 5480. R. S., § 5414.

SEC. 5480. If any person having devised or intending to devise any scheme or artifice to defraud, or to sell, dispose of, loan, exchange, alter, give away, or distribute, supply, or furnish, or procure for unlawful use any counterfeit or spurious coin, bank notes, paper money, or any obligation or security of the United States or of any State, Territory, municipality, company, corporation, or person, or anything represented to be or intimated or held out to be such counterfeit or spurious articles, or any scheme or artifice to obtain money by or through correspondence, by what is commonly called the “sawdust swindle”, or “counterfeit money fraud”, or by dealing or pretending to deal in what is commonly called “green articles,” “green coin,”

“bills”, “paper goods,” “spurious Treasury notes,” “United States goods”, “green cigars”, or any other names or terms intended to be understood as relating to such counterfeit or spurious articles, to be effected by either opening or intending to open correspondence or communication with any person, whether resident within or outside the United States, by means of the Post-Office Establishment of the United States, or by inciting such other person or any person to open communication with the person so devising or intending, shall, in and for executing such scheme or artifice or attempting so to do, place or cause to be placed, any letter, packet, writing, circular, pamphlet, or advertisement in any post-office, branch post-office, or street or hotel letter-box of the United States, to be sent or delivered by the said post-office establishment, or shall take or receive any such therefrom, such person so misusing the post-office establishment shall, upon conviction, be punishable by a fine of not more than five hundred dollars and by imprisonment for not more than eighteen months, or by both such punishments, at the discretion of the court.

Delivering to, and receiving from, mails.

Punishment.

The indictment, information, or complaint may severally charge offenses to the number of three when committed within the same six calendar months; but the court thereupon shall give a single sentence, and shall proportion the punishment especially to the degree in which the abuse of the post-office establishment enters as an instrument into such fraudulent scheme and device.”

Indictment and sentence.

SEC. 2. That any person who, in and for conducting, promoting, or carrying on, in any manner by means of the Post-Office Establishment of the United States, any scheme or device mentioned in the preceding section, or any other unlawful business whatsoever, shall use or assume or request to be addressed by any fictitious, false, or assumed title, name, or address, or name other than his own proper name, or shall take or receive from any post-office of the United States any letter, postal-card, or packet addressed to any such fictitious, false, or assumed title, name, or address, or name other than his own lawful and proper name, shall, upon conviction, be punishable as provided in the first section of this act.

Fraudulently assuming fictitious address, how punished.

SEC. 3. That the Postmaster-General may, upon evidence satisfactory to him, that any person is using any fictitious, false, or assumed name, title, or address in conducting, promoting, or carrying on, or assisting therein, by means of the Post-Office Establishment of the United States, any business scheme or device in violation of the provisions of this act, instruct any postmaster at any post-office at which such letters, cards, or packets, addressed to such fictitious, false, or assumed name or address arrive to notify the party claiming or receiving such letters, cards, or packets to appear at the post-office and be identified; and if the party so notified fail to appear and be identified, or if it shall satisfactorily appear that such letters, cards, or packets are addressed to a fictitious, false, or assumed name or address, such letters, postal-cards, or packages shall be forwarded to the dead-letter office as fictitious matter.

Identification of persons claiming suspected fictitious address may be required.

SEC. 4. That all matter the deposit of which in the mails is by this act made punishable is hereby declared non-mailable; but nothing in this act shall be so construed as to authorize any person other than an employee of the dead-letter office, duly authorized thereto, to open any letter not addressed to himself.

Matter non-mailable, if depositing is hereby made punishable.

SEC. 5. That whenever the Postmaster-General is satisfied that letters or packets sent in the mails are addressed to places not the residence or business address of the persons for whom they are intended, to enable such persons to escape identification, he may direct postmasters to deliver such letters only from the post-office upon identification of persons addressed. [March 2, 1889.]

Matter to persons not residents of place of address, how to be delivered.

March 2, 1889.

CHAP. 396.—An act to regulate the course at the Naval Academy. (1)

25 Stat. L., 878.

Naval Academy.

Cadets of first class, fourth year, assigned to two separate divisions.

R. S., §§ 1511–1538.

Line and marine corps division and engineer division.

Appointments from divisions at graduation.

1882, Aug. 5, ch. 391, par. 1, *ante*, p. 376.

1884, June 26, ch. 122, *ante*, p. 446.

—not to exceed vacancies, &c., and to be in order of merit.

Reduction of appointments.

Filling vacancies.

Five assistant engineers from class of 1886.

Be it enacted, &c., That the Academic Board of the Naval Academy shall on or before the thirtieth day of September in each year separate the first class of naval cadets then commencing their fourth year into two divisions, as they may have shown special aptitude for the duties of the respective corps, in the proportion which the aggregate number of vacancies occurring in the preceding fiscal year ending on the thirtieth day of June in the lowest grades of commissioned officers of the line of the Navy and Marine Corps of the Navy shall bear to the number of vacancies to be supplied from the Academy occurring during the same period in the lowest grade of commissioned officers of the engineer corps of the Navy;

And the cadets so assigned to the line and Marine Corps division of the first class shall thereafter pursue a course of study arranged to fit them for service in the line of the Navy, and the cadets so assigned to the Engineer Corps division of the first class shall thereafter pursue a separate course of study arranged to fit them for service in the Engineer Corps of the Navy, and the cadets shall thereafter, and until final graduation, at the end of their six years' course, take rank by merit with those in the same division, according to the merit marks;

And from the final graduates of the line and Marine Corps division, at the end of their six years' course, appointments shall be made hereafter as it shall be necessary to fill vacancies in the lowest grades of commissioned officers of the line of the Navy and Marine Corps; and the vacancies in the lowest grades of the commissioned officers of the Engineer Corps of the Navy shall be filled in like manner by appointments from the final graduates of the Engineer division at the end of their six years' course:

Provided, That no greater number of appointments into the said lowest grades of commissioned officers shall be made each year than shall equal the number of vacancies which shall have occurred in the same grades during the fiscal year then current; such appointments to be made from the final graduates of the year, in the order of merit as determined by the Academic Board of the Naval Academy, the assignment to be made by the Secretary of the Navy upon the recommendation of the Academic Board at the conclusion of the fiscal year then current;

But nothing contained herein or in the naval appropriation act of August fifth, eighteen hundred and eighty-two, shall reduce the number of appointments of final graduates at the end of their six years course below twelve in each year to the line of the Navy, and not less than two shall be appointed annually to the Engineer Corps of the Navy, nor less than one annually to the Marine Corps; and if the number of vacancies in the lowest grades aforesaid, occurring in any year shall be greater than the number of final graduates of that year, the surplus vacancies shall be filled from the final graduates of following years, as they shall become available;

And it is provided that in addition to the appointments to the Engineer Corps of the Navy hereby authorized there may also be appointed five Assistant Engineers from the graduates, in the order of merit, of the Naval Academy of the class which finished its six years' course in June eighteen hundred and eighty-six, to take rank and receive pay only from the date of their appointment; and said

NOTE.—(1) Other statutes relating to the Naval Academy are as follows: 1874, Feb. 24, ch. 35, § 2, *ante*, p. 4, course of study for engineers; 1874, June 22, ch. 392, § 3, *ante*, p. 37, repeal of appointment of cadet engineers; 1874, June 23, ch. 453, *ante*, p. 41, punishment of hazing; 1877, March 3, ch. 111, *ante*, p. 138, pay of cadets; 1878, June 17, ch. 360, *ante*, p. 188, number of cadets appointed; 1879, Feb. 14, ch. 68, par. 2, *ante*, p. 216, Board of Visitors; 1882, Aug. 5, ch. 391, para. 1, 2, *ante*, p. 376, name, appointment, study and discharge of naval cadets regulated; 1884, June 26, ch. 122, *ante*, p. 446, graduates to be commissioned ensigns; 1886, May 20, ch. 362, *ante*, p. 492, nature and effect of alcoholic drinks to be studied; 1886, Aug. 4, ch. 908, par. 2, *ante*, p. 513, no intoxicating liquors to be furnished Board of Visitors at Government expense.

Engineer Corps is hereby enlarged for the purpose of the additional appointments hereby authorized.

SEC. 2. That after the fourth day of March, eighteen hundred and eighty-nine, the minimum age of admission of cadets to the Academy shall be fifteen years and the maximum age twenty years. [March 2, 1889.]

Minimum age of admission 15 years and maximum 20. R. S., § 1517.

CHAP. 410.—An act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June thirtieth, eighteen hundred and eighty-nine, and for prior years and for other purposes.

March 2, 1889.
25 Stat. L., 905.

Be it enacted, &c., * * [Par. 1.] That it shall be the duty of the Secretary of the Treasury to submit the estimates for the Revenue-Cutter Service for the fiscal year eighteen hundred and ninety-one, and for each year thereafter, in detail, showing separately, the amount required for pay of officers, rations for officers, pay of crews, rations of crews, fuel, repairs and outfits, ship-chandlery, and for traveling and contingent expenses. He shall also include in the annual Book of Estimates a statement showing the authorized number of officers and cadets in the Revenue Cutter Service, their rank and pay; also the number of men constituting the crews of vessels in said service * *

Revenue-Cutter Service to be estimated for specially.

R. S., § 2747.
1888, Oct. 2, ch. 1069, par. 1, ante, p. 626.

[Par. 2.] National Board of Health: To pay for transportation and storage of books, records, and furniture of the National Board of Health from September first, eighteen hundred and eighty six, to March fourth, eighteen hundred and eighty-nine, and the transportation of the same to the office of the Surgeon-General of the Army, where they shall be hereafter stored, * *

National Board of Health records to be stored in Surgeon General's office.

1879, Mar. 3, ch. 203, ante, p. 261.

[Par. 3.] That the Secretary of the Treasury is authorized to transfer and deliver to the Secretary of War, from time to time, as may be necessary, the pay-rolls of the volunteer forces during the late war, now on file in the office of the Second Auditor, in order to enable the Secretary of War to have the card-index records of the volunteer forces in the late war made complete from all rolls, pay, muster, and detached, morning and all other reports containing any information as to such soldiers, as to service, pay, bounty, and allowances of all kinds.

Pay-rolls of volunteers to be transferred to War Department.

Said rolls to be returned to the Treasury Department in the like condition in which received, unavoidable wear excepted. * * [March 2, 1889.]

—to be returned.

CHAP. 411.—An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and ninety, and for other purposes.

March 2, 1889.

25 Stat. L., 939.

Be it enacted, &c., * * [Par. 1.] That hereafter no plan shall be approved by the Secretary of the Treasury for any public building authorized by Congress to be erected, until after the site therefor shall have been finally selected; (1)

Public building plans not to be approved until site selected.

R. S., § 3734.
—nor for more than balance of appropriation.
R. S., § 3733.

And he shall not authorize or approve of any plan for any such building which shall involve a greater expenditure in the completion of such building, including heating apparatus, elevators, and approaches thereto, than the amount that shall remain of the sum specified in the law authorizing the erection of such building excluding cost of site. (1)

That hereafter commissions shall not be paid for disbursements on account of sites for public buildings; nor on account of construction of public buildings except for moneys actually handled and paid out by disbursing agents; (1)

Commissions on purchase of sites, &c., for public buildings not allowed.

And payments for sites for public buildings under the control of the Treasury Department shall be made by the Treasury Department,

Mode of payment for sites.

NOTE.—(1) See note to 1875, March 3, ch. 120, par. 14, ante, p. 74, fully reviewing acts relating to public buildings.

at Washington, District of Columbia, by drafts or checks payable to the grantors of such sites or their legal representatives.

All legal services to be rendered by district attorneys. R. S., § 355, 823, 834.

Abstracts of title to be furnished by grantors free of expense to U. S.

To portraits on notes, bonds, &c., names to be inscribed.

R. S., § 3576.

Interstate Commerce Commission's expenses to be audited, &c.

1888, Oct. 2, ch. 1069, par. 6, *ante*, p. 627.

Irrigation of arid region. Report of expenses of survey to be made by Director of Geological Survey.

1879, March 3, ch. 182, par. 10, *ante*, p. 251.

1888, Oct. 2, ch. 1069, par. 4, *ante*, p. 626.

District of Columbia: Institution for deaf and dumb; expenses of persons admitted from District, how paid.

R. S., § 4864.

1878, June 11, ch. 180, § 3, *ante*, p. 178.

1883, Mar. 3, ch. 143, par. 6, *ante*, p. 421.

State homes for Disabled Volunteer Soldiers; no more than one-half to be paid by United States.

1875, March 3, ch. 129, par. 4, and note, *ante*, p. 71.

1888, Aug. 27, ch. 914, *ante*, p. 617.

That hereafter all legal services connected with the procurement of titles to site for public buildings, other than for life saving stations and pier-head lights, shall be rendered by United States district attorneys: (1)

Provided further, That hereafter, in the procurement of sites for such public buildings, it shall be the duty of the Attorney-General to require of the grantors in each case to furnish, free of all expenses to the Government, all requisite abstracts, official certifications, and evidences of title that the Attorney-General may deem necessary. * *

[*Par. 2.*] That hereafter the name of each person whose portrait shall be placed upon any of the plates for bonds, securities, notes and silver certificates of the United States shall be inscribed below such portrait. * *

[*Par. 3.*] That hereafter expenses of the Interstate Commerce Commission shall be audited by the proper accounting officers of the Treasury. * *

1889, Mar. 2, ch. 332, § 7, *ante*, p. 690.

[*Par. 4.*] Irrigation Survey: For the purpose of investigating the extent to which the arid region of the United States can be redeemed by irrigation and the segregation of irrigable lands in such arid region, and for the selection of sites for reservoirs and other hydraulic works necessary for the storage and utilization of water for irrigation and for ascertaining the cost thereof, and the prevention of floods and overflows, and to make the necessary maps, * * and the Director of the Geological Survey, under the supervision of the Secretary of the Interior, shall make a report to Congress on the first Monday in December of each year, showing in detail how the said money has been expended, the amount used for actual survey and engineer work in the field in locating sites for reservoirs, and an itemized account of the expenditures under this and any future appropriation. * *

[*Par. 5.*] Columbia Institution for the Deaf and Dumb. * * That one half of all expenses attending the instruction of deaf and dumb persons admitted to said institution from the District of Columbia, under section forty-eight hundred and sixty-four of the Revised Statutes, shall be paid from the revenues of the District of Columbia and one-half out of the Treasury of the United States, and hereafter estimates for such expenses shall each year be submitted in the regular estimates for the expenses of the government of the District of Columbia. * *

1890, Apr. 30, ch. 837, par. 4, *post*, p. 792.

[*Par. 6.*] State or Territorial Homes: For continuing the aid to State or Territorial homes for the support of disabled volunteer soldiers, in conformity with the act approved August twenty-seventh, eighteen hundred and eighty-eight, * *

That hereafter no State under this appropriation shall be paid a sum exceeding one-half the cost of maintenance of each soldier or sailor by such State. * * [*March 2, 1889.*]

NOTE.—(1) See note to 1875, March 3, ch. 130, par. 14, *ante*, p. 74, fully reviewing acts relating to public buildings.

March 2, 1889.

25 Stat. L., 980.

Superintendent of Indian schools to be appointed; his duties.

1891, March 3, ch. 543, par. 1, *post*, p. 928.

CHAP. 412. —An act making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June thirtieth, eighteen hundred and ninety, and for other purposes.

Be it enacted, &c. * * SEC. 10. That there shall be appointed by the President, by and with the advice and consent of the Senate, a person of knowledge and experience in the management, training, and practical education of children, to be Superintendent of Indian Schools, whose duty it shall be to visit and inspect the schools in which Indians are taught in whole or in part from appro-

priations from the United States Treasury, and report to the Commissioner of Indian Affairs what, in his judgment, are the defects, if any, in any of them, in system, in administration, or in means for the most effective advancement of the pupils therein toward civilization and self-support, and what changes are needed to remedy such defects as may exist, and to perform such other duties in connection with Indian schools as may be prescribed by the Secretary of the Interior. * *

SEC. 11. That hereafter the costs of the trial of the cases in the courts of the several Territories tried pursuant to and for the offenses named in section nine of the act entitled "An act making appropriations for the current and contingent expenses of the Indian Department, and fulfilling treaty stipulations with various Indian tribes for the year ending June thirtieth, eighteen hundred and eighty-six and for other purposes," shall be audited by the accounting officers of the Treasury and paid out of money for similar expenses in the trial of criminal cases in the courts of the United States.

[SECS. 12, 13, 14 provide for the opening of certain lands of Seminoles and Cherokees in Indian Territory for settlement.]

SEC. 15. That the President may whenever he deems it necessary create not to exceed two land districts embracing the lands which he may open to settlement by proclamation as hereinbefore provided, and he is empowered to locate land offices for the same appointing thereto in conformity to existing law registers and receivers and for the purpose of carrying out this provision five thousand dollars or so much thereof as may be necessary is hereby appropriated. [March 2, 1889.]

Costs in prosecution of Indians for crimes in Territories; how paid. 1885, Mar. 3, ch. 341, § 9, ante, p. 482.

Land districts to be created. R. S., § 2256. 1890, May 2, ch. 182, § 19, post, p. 451.

CHAP. 413.—An act to regulate and license pawnbrokers in the District of Columbia,

March 2, 1889.

Be it enacted, &c., That the Commissioners of the District of Columbia may from time to time grant licenses, under their hands and seal, to such persons citizens of the United States as shall produce to them satisfactory evidence of their good character, to exercise or carry on the business of a pawnbroker, which license shall designate the building in which said person shall carry on said business;

25 Stat. L., 1006. Pawnbrokers in D. C. to be licensed. R. S. of D. C., §§ 404-407. 1887, Jan. 26, ch. 49, par. 1, ante, 531, post, p. 910. Penalty for carrying on business without license.

And no person shall exercise or carry on the business of a pawnbroker without being duly licensed by the commissioners of the District of Columbia, nor in any other building than the one designated in said license, except by the consent in writing of the said commissioners, under the penalty of fifty dollars for each day he or she shall exercise or carry on said business without such license, or in any other building than the one so designated, except by the consent of the Commissioners as aforesaid,

Any person, corporation, member, or members of a corporation or firm who loans money on deposits or pledge on personal property, or other valuable thing, other than securities or printed evidences of indebtedness, or who deals in the purchasing of personal property or other valuable thing on condition of selling the same back again at a stipulated price, is hereby declared and defined to be a pawnbroker.

"Pawnbroker" defined.

SEC. 2. That every person receiving such license shall pay therefor the sum of one hundred dollars for the use of the District of Columbia yearly, and every such license shall expire one year from the date thereof, and may be renewed on application to the Commissioners of the District each and every year on payment of the same sum, and upon performance of the other conditions herein contained.

Yearly license fee, \$100.

SEC. 3. That every person so licensed shall at the time of receiving such license, and before the same shall be operative, enter, with two sufficient sureties, into a joint and several recognizance to the

Bond for observance of law.

Commissioners of the District of Columbia, in the penal sum of three thousand dollars, conditioned for the due observance of all such acts of the Congress of the United States as may be passed or in force respecting pawnbrokers at any time during the continuance of such license.

—recovery on
against surety.

If any person shall be aggrieved by the misconduct of any such licensed pawnbroker, and shall recover judgment against him therefor, such person may, after the return unsatisfied, either in whole or part, of any execution issued upon said judgment, maintain an action in his own name upon the bond of said pawnbroker in any court having jurisdiction, of the amount claimed, provided such court shall, upon application made for the purpose, grant such leave to prosecute.

Pawnbrokers to
keep book of
entries of goods
pawned.

SEC. 4. That every pawnbroker shall keep a book in which shall be fairly written, at the time of each loan, an accurate account and description of the goods, article, or thing pawned or pledged, the amount of money loaned thereon, the time of pledging the same, the rate of interest to be paid on such loan, and the name and residence of the person pawning or pledging the said goods, article, or thing, together with a particular description of such person, including complexion, color of eyes and hair, and his or her height and general appearance.

—to give mem-
orandum to
pledgor.

SEC. 5. That every pawnbroker, shall, at the time of each loan deliver to the person pawning or pledging any goods, article, or thing a memorandum or note, signed by him or her, containing the substance of the entry required to be made in his or her book by the last preceding section, excepting as to the description of the person and no charge shall be made or received by any pawnbroker for any such entry, memorandum or note.

Book to be open
to inspection, &c.

SEC. 6. That the said book shall at all reasonable times be open to the inspection of the Commissioners of the District of Columbia, all judges of criminal courts, major and superintendent of police, captains of police of the city of Washington, District of Columbia, or any or either of them, or of any policeman who shall be duly authorized in writing for that purpose by any or either of them, and who shall exhibit such written authority to such pawnbroker.

Goods to remain
in pawn one year
before sale.

SEC. 7. [For substitute see 1891, March 3, ch. 531, § 2, post, p. 910.]
SEC. 8. That no pawnbroker shall sell any pawn or pledge until the same shall have remained one year in his or her possession, unless by consent in writing of the pawner; and all such sales shall be made at public auction and not otherwise, and shall be made or conducted by such auctioneers as shall be designated and approved of for that purpose by the Commissioners of the District of Columbia.

Notice of sale,
&c.

SEC. 9. That notice of every such sale shall be published for at least six days previous thereto, in one or more of the daily newspapers of general circulation printed in the city of Washington; District of Columbia, and such notice shall specify the time and place at which such sale is to take place, the name of the auctioneer by whom the same is to be conducted, and a description of the articles to be sold.

Disposition of
surplus from sale.

SEC. 10. That the surplus money, if any, arising from any such sale, after deducting the amount of the loan, the interest then due on the same, and the expenses of the advertisement and sale, shall be paid over by the pawnbroker to the person who would be entitled to redeem the pledge in case no such sale had taken place.

Loans on sepa-
rate parts of one
article forbidden.

SEC. 11. That no pawnbroker shall make any loan on the separate or divided part or parts of any one article or thing, and which article or thing shall have been offered entire or collectively to him or her by way of pawn or pledge.

Purchases by
pawnbrokers of
articles offered in
pledge forbidden.

SEC. 12. That no pawnbroker shall, under any pretense whatever, purchase or buy any second-hand furniture, metals, or clothes, or any other article or thing whatever offered to him or her as a pawn or pledge, except at sale by public auction, as hereinbefore provided.

SEC. 13. That any pawnbroker who shall violate or neglect or refuse to comply with any or either of the provisions of this act, except those contained in sections one and seven, shall, for every such offense, upon conviction before a court of competent jurisdiction, pay a fine of not more than one hundred dollars, for the use of the District of Columbia.

SEC. 14. That all acts and parts of acts inconsistent herewith be, and the same are hereby, repealed. [*March 2, 1889.*]

Penalty for violations of act.

Repeal.

CHAP. 415.—An act to provide for the protection of the salmon fisheries of Alaska

Be it enacted, &c., That the erection of dams, barricades, or other obstructions in any of the rivers of Alaska, with the purpose or result of preventing or impeding the ascent of salmon or other anadromous species to their spawning grounds, is hereby declared to be unlawful, and the Secretary of the Treasury is hereby authorized and directed to establish such regulations and surveillance as may be necessary to insure that this prohibition is strictly enforced and to otherwise protect the salmon fisheries of Alaska;

And every person who shall be found guilty of a violation of the provisions of this section shall be fined not less than two hundred and fifty dollars for each day of the continuance of such obstruction.

SEC. 2. That the Commissioner of Fish and Fisheries is hereby empowered and directed to institute an investigation into the habits, abundance, and distribution of the salmon of Alaska, as well as the present conditions and methods of the fisheries, with a view of recommending to Congress such additional legislation as may be necessary to prevent the impairment or exhaustion of these valuable fisheries, and placing them under regular and permanent conditions of production.

SEC. 3. That section nineteen hundred and fifty-six of the Revised Statutes of the United States is hereby declared to include and apply to all the dominion of the United States in the waters of Behring Sea;

And it shall be the duty of the President, at a timely season in each year, to issue his proclamation and cause the same to be published for one month in at least one newspaper if any such there be published at each United States port of entry on the Pacific coast, warning all persons against entering said waters for the purpose of violating the provisions of said section; and he shall also cause one or more vessels of the United States to diligently cruise said waters and arrest all persons, and seize all vessels found to be, or to have been, engaged in any violation of the laws of the United States therein. [*March 2, 1889.*]

March 2, 1889.

25 Stat. L., 1009.

Alaska salmon fisheries.

Erection of dams impeding ascent of fish unlawful.

Punishment.

Commissioner of Fisheries to investigate habits, &c., of salmon.

1891, March 3, ch. 561, § 11, *post*, p. 944.

Killing fur-bearing animals in Behring Sea prohibited.

R. S., § 1956. 1874, March 24, ch. 64, *ante*, p. 6. Proclamation of warning to issue, &c.

1889, March 21; 1890, March 15; Procs. Nos. 1, 11; 26 Stat. L., 1543, 1558.

CHAP. 418.—An act to amend sections forty-four hundred and eighty-eight and forty-four hundred and eighty-nine of the Revised Statutes requiring life-saving appliances on steamers (1).

Be it enacted, &c., That sections forty-four hundred and eighty-eight and forty-four hundred and eighty-nine of the Revised Statutes shall be amended by inserting after the words "life preservers," wherever they occur, the words "line-carrying projectiles, and the means of propelling them."

SEC. 2. This act to take effect February first, eighteen hundred and ninety. [*March 2, 1889.*]

NOTE.—(1) This act was suspended for one year by 1890, March 29, ch. 56 (26 Stat. L., 33); and again by 1891, March 3, ch. 549 (26 Stat. L., 1063), the Secretary of the Treasury was authorized to suspend it for a further period of one year from March 29, 1891, so far as it relates to steamers plying exclusively upon lakes or bays.

March 2, 1889.

25 Stat. L., 1012.

Steamers to be provided with line-carrying projectiles, &c.

R. S., §§ 4488, 4489.

When act takes effect.

FIFTY-FIRST CONGRESS—FIRST SESSION

IN
THE YEAR 1890.

CHAP. 2.—An act to amend an act entitled “An act to provide for taking the Eleventh and subsequent censuses,” approved March first, eighteen hundred and eighty-nine.

Be it enacted, &c., That section six of an act entitled “An act to provide for taking the Eleventh and subsequent censuses,” approved March first, eighteen hundred and eighty-nine, be amended by striking out the words, “five hundred” and inserting the words, “one thousand,” so that the proviso will read: “*Provided*, That in the aggregate no supervisor shall be paid less than the sum of one thousand dollars.” [January 23, 1890.]

January 23, 1890.

26 Stat. L., 2.
Census; compensation to supervisors increased.
1889, Mar. 1, ch. 319, § 6, *ante*, p. 655.

CHAP. 5—An act to amend the first section of an act approved June third, eighteen hundred and eighty-four, entitled “An act to amend sections four, five, and nine of an act approved February twenty-fourth, eighteen hundred and seventy-nine, entitled ‘An act to create the northern judicial district of the State of Texas, and to change the eastern and western judicial districts of said State, and to fix the time and places for holding courts in said districts,’ and to provide for holding terms of the court of the western judicial district of Texas at the city of El Paso, and for other purposes,” and for other purposes.” (1)

February 4, 1890.

26 Stat. L., 3.

Be it enacted, &c., That the first section of an act approved June third, eighteen hundred and eighty-four, entitled “An act to amend sections four, five, and nine of an act approved February twenty-fourth, eighteen hundred and seventy-nine, entitled ‘An act to create the northern judicial district of the State of Texas, and to change the eastern and western judicial districts of said State, and to fix the time and places for holding courts in said districts,’ and to provide for holding terms of the court of the western judicial district of Texas at the city of El Paso, and for other purposes,” is hereby amended so as to read as follows:

Texas, western judicial district; terms of court.

Substitute for
1884, June 3, ch. 64, § 1, *ante*, p. 438, and 23 Stat. L., 35, 1879, Feb. 24, ch. 97, *ante*, p. 217.

“That the fourth section of an act approved February twenty-fourth, eighteen hundred and seventy-nine, entitled ‘An act to create the northern judicial district of the State of Texas, and to change the eastern and western judicial districts of said State, and to fix the time and places of holding courts in said districts,’ is hereby amended as follows:

“SEC. 4. That the courts in the western judicial district shall be held twice in each year at Brownsville, San Antonio, the city of El Paso, and Austin. The courts shall be held at the city of Brownsville on the first Monday in January and the second Monday in June; at San Antonio on the first Mondays in May and November; at the city of El Paso on the first Mondays in April and October; at Austin on the first Mondays in February and July.”

Brownsville.
San Antonio.
El Paso.
Austin.

SEC. 2. [*Relates to pending cases.*]

SEC. 3. That all laws and parts of laws in conflict with this act are hereby repealed. [February 4, 1890.]

Repeal.

NOTE.—(1) This act is a substitute for 1884, June 3, ch. 64, § 1 (23 Stat. L., 35), this being itself a substitute for 1879, Feb. 24, ch. 97, § 4 (20 Stat. L., 318). See the parts of these acts not superseded, *ante*, pp. 217, 438, and note on Texas courts, appended to the former act *ante*, p. 217.

February 6, 1890.

CHAP. 7.—An act creating three additional land offices in the State of Colorado.

26 Stat. L., 5.
 Colorado: Ster-
 ling land district.
 R. S., § 2256.
 1874, June 20,
 ch. 341, ante, p. 26.
 1886, Aug. 4, ch.
 895, ante, p. 510.

Be it enacted, &c., That all that portion of the State of Colorado bounded and described as follows: Commencing at the northeast corner of the State of Colorado; thence west along the north boundary line of said State to a point at the intersection of said line with the west line of range fifty-nine west; thence south along said west line of said range to its intersection with the first corrected line north in said State of Colorado; thence east along said first corrected line north to the eastern boundary line of said State of Colorado; thence north along the eastern boundary line of said State to the place of beginning be, and is hereby, constituted a new land district, to be called the Sterling land district.

Akron land district.

SEC. 2. That all that portion of the State of Colorado bounded and described as follows: Beginning at the point where the first corrected line north in the said State intersects the eastern boundary line thereof; thence west along said corrected line north to its intersection with the seventh guide meridian west in said State; thence south along said seventh guide meridian to the point of its intersection with the first corrected line south in said State; thence east along said first corrected line to the point of its intersection with the eastern boundary line of said State; thence north along said eastern boundary line of said State to the place of beginning, be, and is hereby, constituted a new land district, to be called the Akron land district.

Hugo land district.

SEC. 3. That all that portion of the State of Colorado lying east of the seventh guide meridian west, south of the first corrected line south, and north of the third corrected line south, be, and is, constituted a new land district.

Offices.

SEC. 4. That the President shall designate the (1) place in each district at which the land office for that district shall be located.

Register and receivers.

R. S., § 2234.

SEC. 5. That the President, by and with the advice and consent of the Senate, is hereby authorized to appoint a register and a receiver for each of the said land districts hereby created, who shall discharge like and similar duties and receive the same amount of compensation therefor as other officers discharging like duties in the land offices of the State of Colorado; and said land districts shall be subjected, as other land districts are, under the laws, to be changed or consolidated with any other district or districts, and the land offices may be changed to any other location by order of the President. [February 6, 1890.]

Changes.

NOTE.—(1) The offices have been located at Sterling, Akron and Hugo respectively.

February 7, 1890.

CHAP. 8.—An act to provide certificates of honorable service to those who have served in the United States Navy or Marine Corps who have lost their certificates of discharge.

26 Stat. L., 6.

Certificates of honorable discharge in Navy or Marine Corps, when original is lost.

R. S., §§ 1426, 1427.

1890, April 14, ch. 80, post, p. 714.

Be it enacted, &c., That from and after the passage of this act, whenever satisfactory proof is furnished at the Navy Department that any commissioned officer, regular or volunteer, appointed or enlisted man who served in the Navy or the Marine Corps of the United States in the war of eighteen hundred and twelve, the Mexican war, or the war of the rebellion, has lost his certificate of discharge, or the same has been destroyed without his privity or procurement, the Secretary of the Navy shall be authorized to furnish to such commissioned officer, regular or volunteer, appointed or enlisted man, a certificate of discharge in lieu thereof.

—not to be evidence in claims.

Provided, That such certificate shall not be accepted as a voucher for the payment of any claim against the United States for pay, bounty, or any other allowance, or as evidence in any other case. [February 7, 1890.]

CHAP. 14.—An act to constitute Albany, New York, a port of immediate transportation. February 19, 1890.

Be it enacted, &c., That the privileges of the seventh section of the act approved June tenth, eighteen hundred and eighty, entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," be, and the same are hereby, extended to the port of Albany, New York. [February 19, 1890.]

26 Stat. L., 8.
Albany, N. Y.,
port of immediate
delivery.
1889, June 10,
ch. 190, § 7, *ante*,
p. 294.

CHAP. 19.—An act to require the Superintendent of Census to ascertain the number of people who own farms and homes, and the amount of mortgage indebtedness thereon. February 22, 1890.

Be it enacted, &c., That it shall be the duty of the Superintendent of Census, in addition to the duties now required of him by law, to ascertain the number of persons who live on and cultivate their own farms, and who live in their own homes, and the number who hire their farms and homes, and the number of farms and homes which are under mortgage, the amount of mortgage debt, and the value of the property mortgaged. He shall also ascertain whether such farms and homes have been mortgaged for the whole or part of the purchase money for the same, or for other purposes, and the rates of interest paid upon mortgage loans.

26 Stat. L., 13.
Eleventh Cen-
sus.
Enumeration of
owners of farms,
mortgages, &c.
1889, March 1,
ch. 319, § 17, *ante*,
p. 657.

SEC. 2. [Makes appropriation.]

SEC. 3. That the provisions of sections thirteen, fourteen, fifteen and sixteen of the "Act to provide for taking the Eleventh Census and subsequent censuses," approved March first, eighteen hundred and eighty-nine, shall apply to the provisions of this act.

Penalties.
1889, March 1,
ch. 319, §§ 13-16,
ante, p. 657.

[February 22, 1890.]

CHAP. 20.—An act to authorize the President to confer brevet rank on officers of the United States Army for gallant services in Indian campaigns. February 27, 1890.

Be it enacted, &c., That the President of the United States be, and he is hereby, authorized and empowered, at his discretion, to nominate, and by and with the advice and consent of the Senate, to appoint to brevet rank all officers of the United States Army, now on the active or retired list, who by their department commander, and with the concurrence of the commanding general of the Army, have been or may be recommended for gallant service in action against hostile Indians since January first, eighteen hundred and sixty-seven.

26 Stat. L., 13.
Brevet rank in
Army for gal-
lantry, Indian
campaigns.
R. S., §§ 1209-
1212.
1883, March 3,
ch. 93, par. 3, *ante*,
p. 400.

SEC. 2. That such brevet commissions as may be issued under the provisions of this act shall bear date only from the passage of this act: *Provided, however,* that the date of the particular heroic act for which the officer is promoted shall appear in his commission.

Date of commis-
sions.
—of heroic serv-
ice.

SEC. 3. That brevet rank shall be considered strictly honorary, and shall confer no privilege of precedence or command not already provided for in the statutes which embody the rules and articles governing the Army of the United States.

Strictly honor-
ary without other
privileges.

SEC. 4. That all laws and clauses of laws in conflict with this act are hereby repealed. [February 27, 1890.]

Repeal.

CHAP. 21.—An act to provide for the time and place of holding the terms of the United States circuit and district courts in the State of South Dakota. February 27, 1890.

Be it enacted, &c., That the State of South Dakota shall constitute one judicial district.

SEC. 2. That for the purpose of holding terms of the district court said district shall be divided into three divisions, to be known as the eastern, central, and western divisions.

26 Stat. L., 14.
South Dakota
judicial district.
Three divisions.
1889, Feb. 22, ch.
180, § 21, *ante*, p.
649.

- Eastern division.** The counties of Clay, Union, Yankton, Turner, Lincoln, Bonhomme, Charles Mix, Douglas, Hutchinson, Brule, Aurora, Davidson, Hanson, McCook, Minnehaha, Moody, Lake, Lyman, Miner, Sanborn, Beadle, Kingsbury, Brookings, Hamlin, Deuel, Grant, Roberts, Codington, Clark, Day, Marshall, Spink, Brown, Gregory, Todd, and the Yankton, Sisseton, Wahpeton, and Crow Creek Indian Reservations shall constitute the eastern division, the court for which shall be held at the city of Sioux Falls.
- Central division.** The counties of McPherson, Edmunds, Campbell, Walworth, Potter, Sully, Faulk, Hand, Hyde, Hughes, Buffalo, Jerauld, Stanley, Knowlen, and that portion of the counties of Pratt, Jackson, and Sterling not included in any Indian reservation, and the Standing Rock, Cheyenne, and Lower Brule Indian Reservations shall constitute the central division, the court for which shall be held at the city of Pierre.
- Western division.** All that portion of the State of South Dakota lying west of the central division, and in addition thereto the Rosebud and Red Cloud Indian Reservations, shall constitute the western division, the court for which shall be held at the city of Deadwood.
- Terms of district court.** SEC. 3. That the terms of the district court for the district of South Dakota shall be held at Sioux Falls on the first Tuesday of April and October in each year;
 Sioux Falls.
 R. S., § 572.
 Pierre.
 Deadwood.
- At Pierre on the third Tuesday of May and November in each year; and at Deadwood on the first Tuesday of January and July in each year.
- Repeal part of act of, &c.** And the provision of law now existing for the holding of said court on the first Monday in April and November in each year, is hereby repealed, and all suits, prosecutions, process, recognizances, bail-bonds, and other things pending in or returnable to said court on the days last named are hereby transferred to, and shall be made returnable to and have force in the said respective terms in this act provided in the same manner and with the same effect as they would have had had this act not been passed.
- Jurisdiction.** SEC. 4. That all civil suits not of a local nature must be brought in the division of the district where the defendant or defendants reside; but if there are two or more defendants, residing in different divisions, the action may be brought in either of the divisions in which a defendant resides.
- Terms of circuit court.** SEC. 5. That the Circuit Court of the United States for said District shall be held
 Sioux Falls. At Sioux Falls on the first Tuesday of April and October in each year,
 Deadwood. And at Deadwood on the first Tuesday of July in each year,
 Pierre. And at Pierre on the third Tuesday of November in each year;
 And cases taken on appeal or writ of error from the District Court shall be returnable to the Circuit Court held in that judicial subdivision from which the appeal was taken.
- Juries for circuit and district courts.** When the Circuit Court and District Court is held as provided in this act, at the same time and place one grand and petit jury only shall be summoned and served in both said courts.
- Clerks, &c.** SEC. 6. That the clerk of the circuit court and the clerk of the district court respectively shall reside and have their principal office at Sioux Falls, and each of said clerks may appoint a deputy to reside and have an office at Pierre and Deadwood. [February 27, 1890.]

CHAP. 25.—An act to increase the pensions of certain soldiers and sailors who are totally helpless from injuries received or diseases contracted while in the service of the United States.

March 4, 1890.
26 Stat. L., 16.

Be it enacted, &c., That all soldiers, sailors, and marines who have since the sixteenth day of June, eighteen hundred and eighty, or who may hereafter become so totally and permanently helpless from injuries received or disease contracted in the service and line of duty as to require the regular personal aid and attendance of another person, or who, if otherwise entitled, were excluded from the provisions of "An act to increase pensions of certain pensioned soldiers and sailors who are utterly helpless from injuries received or disease contracted while in the United States service," approved June sixteenth, eighteen hundred and eighty, shall be entitled to receive a pension at the rate of seventy-two dollars per month from the date of the passage of this act or of the certificate of the examining surgeon or board of surgeons showing such degree of disability made subsequent to the passage of this act. [March 4, 1890.]

Pensions, increase to totally helpless soldiers, &c.
R. S., §§ 4698, 4698½.
1880, June 16, ch. 236, *ante*, p. 299.

CHAP. 26.—An act providing for an Assistant Secretary of War.

March 5, 1890.

Be it enacted, &c., That there shall be in the Department of War an Assistant Secretary of War, 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 five hundred dollars a year, payable monthly, and who shall perform such duties in the Department of War as shall be prescribed by the Secretary or may be required by law. [March 5, 1890.]

26 Stat. L., 17.
Assistant Secretary of War, salary and duties.
R. S., § 215.
1874, March 4, ch. 44, *ante*, p. 4.
1882, Aug. 5, ch. 389, par. 4, *ante*, p. 378.

CHAP. 28.—An act to change and fix the time of holding terms of the district and circuit courts at Texarkana, Arkansas.

March 7, 1890.

Be it enacted, &c., That the United States circuit and district courts shall hereafter be held at Texarkana, Arkansas, on the third Monday in May and the third Monday in November of each year, instead of the times now fixed by law.

SEC. 2. That all causes, process, bonds, recognizances, and other things pending in, returnable or having relation to, the terms of said court now provided by law shall be proceeded with in the terms provided by this act, with the same force and effect that would have been lawful had the times of holding said court not been changed. [March 7, 1890.]

26 Stat. L., 17.
Arkansas.
Terms of circuit and district courts at Texarkana.
R. S., §§ 572, 658.
Pending causes.
1887, Feb. 17, ch. 139; Feb. 28, ch. 273; *ante*, pp. 533, 546.
1889, Feb. 6, ch. 113, *ante*, p. 638.

CHAP. 29.—An act to constitute Minneapolis, Minnesota, a subport of entry and delivery in the collection district of Minnesota, and for other purposes.

March 8, 1890.

Be it enacted, &c., That Minneapolis, Minnesota, be, and the same is hereby, constituted a subport of entry and delivery in the collection district of Minnesota, with the privilege of immediate transportation as defined by section seven of the act of June tenth, eighteen hundred and eighty, entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," being chapter one hundred and ninety, volume twenty-one, of the Statutes at Large;

That a deputy collector, and such other officers of the customs as may be deemed necessary by the Secretary of the Treasury, shall be

26 Stat. L., 17.
Minneapolis, Minn., a port of entry and delivery with immediate transportation privileges.
R. S., §§ 2595, 2596.
1880, June 10, § 7, *ante*, p. 294.
Deputy collector, &c.

appointed to reside at Minneapolis, and that, subject to the supervision of the collector of customs at Saint Paul, the deputy collector at Minneapolis is hereby authorized to receive entries, collect duties, and generally to perform the functions prescribed by law for collectors of customs, upon his giving bond with good and sufficient surety in such penalty as the Secretary of the Treasury shall prescribe to faithfully perform his official duties.

1888, May 2, ch. 227, *ante*, p. 585.

SEC. 2. That the act approved May second, eighteen hundred and eighty-eight, entitled "An act to amend sections twenty-five hundred and ninety-five and twenty-five hundred and ninety-six of the Revised Statutes of the United States, and to provide a collector at the port of Saint Paul, Minnesota, and for other purposes," is hereby amended accordingly. [March 8, 1890.]

March 13, 1890.

26 Stat. L., 18.

CHAP. 31.—An act to amend an act entitled "An act to constitute Columbus, Ohio, a port of delivery, and to extend the provisions of the act of June tenth, eighteen hundred and eighty, entitled 'An act to amend the statutes in relation to the immediate transportation of dutiable goods, and for other purposes,' to said port of Columbus, Ohio," approved February ninth, eighteen hundred and eighty-nine.

Columbus, Ohio, a port of delivery with immediate transportation privileges.

1880, June 10, ch. 190, § 7, *ante*, p. 294.

Be it enacted, &c., That an act entitled "An act to amend an act entitled 'An act to constitute Columbus, Ohio, a port of delivery,' and to extend the provisions of the act of June tenth, eighteen hundred and eighty, entitled 'An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes,' to said port of Columbus," approved February ninth, eighteen hundred and eighty-nine, be, and hereby is, amended to read as follows, namely:

Substitute for 1889, Feb. 9, ch. 121 (25 Stat. L., 658).

"That Columbus, in the State of Ohio, be, and is hereby, constituted a port of delivery, and that the privileges of the seventh section of the act approved June tenth, eighteen hundred and eighty, entitled 'An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes,' be, and the same are hereby, extended to said port, and that there shall be appointed at said port a surveyor with a compensation at one thousand dollars per annum and the usual fees and commissions. [March 13, 1890.]

Surveyor.

March 15, 1890.

26 Stat. L., 20.

CHAP. 33.—An act to shorten the terms of imprisonment in the jail and in the work-house of the District of Columbia on account of good conduct during confinement.

District of Columbia.

Terms of imprisonment in jail, &c., shortened for good conduct.

R. S., §§ 5543, 5444.

1875, Mar. 3, ch. 145, *ante*, p. 89.

Be it enacted, &c., That all persons sentenced to and imprisoned in the jail or in the work-house of the District of Columbia and confined there on and after the first day of January, anno Domini eighteen hundred and ninety, for a term of one month or longer, who conduct themselves so that no charge of misconduct shall be sustained against them, shall have a deduction of five days in each month made from the term of their sentence, and shall be entitled to their discharge so much the sooner, upon the certificate of the warden of the jail for those confined in the jail, and the certificate of the intendent of the Washington Asylum for those confined in the work-house, of their good conduct during their imprisonment (with the approval of the judge making the commitment);

Docket entry.

And it shall be the duty of said judge to write, or cause to be written, in the docket of his court, across the face of the commitment of the person to be so discharged, the following words: "Discharged by order of the court [giving date] on account of good conduct during imprisonment."

Repeal.

SEC. 2. That all acts and parts of acts inconsistent with the provisions of this act are hereby repealed. [March 15, 1890.]

CHAP. 40.—An act prescribing the times for sales and for notices of sales of property in the District of Columbia for over-due taxes. (1)

March 19, 1890.

26 Stat. L., 24.

Be it enacted, &c., That the Commissioners of the District of Columbia shall prepare a list of all taxes on real property in said District, subject to taxation upon which said taxes are levied and in arrears on the first day of July, eighteen hundred and eighty-nine, and each and every year thereafter, including all taxes due to the late corporations of Washington City, Georgetown, the levy court of the County of Washington, and the District of Columbia.

District of Columbia: list of taxes in arrears July 1, each year.

R. S. of D. C., § 154.

1877, March 3, ch. 117, § 5, *ante*, p. 142.

—publication and distribution of.

And the said Commissioners shall publish the same with a notice of sale in a pamphlet of which not less than three thousand copies shall be printed for distribution to taxpayers applying therefor.

Said Commissioners shall, on the first Tuesday in April, eighteen hundred and ninety, and the third Tuesday in March of each year thereafter, give notice which shall contain the name of each and every person in which each piece of property is assessed together with the amount of assessment upon each piece by advertising twice a week for three successive weeks in the regular issue of two or more daily newspapers published in said District, that said pamphlet has been printed and that a copy thereof will be delivered to any taxpayer applying therefor at the office of the said Commissioners,

Notice in newspapers of time and place of sale, &c.

And that if the taxes due, together with the penalties and costs that may have accrued thereon shall not be paid prior to the day fixed for sale, the property will be sold under the direction of the said Commissioners at public auction at the office of the collector of taxes for the District of Columbia, commencing three weeks after the first publication of the said notice and continuing on each following day, Sundays and legal holidays excepted, until all said delinquent property is sold:

Sale of property.

1879, Feb. 6, ch. 50, *ante*, p. 216.

1887, Jan. 26, ch. 41, *ante*, p. 519.

Provided, however, That property which has once been advertised and sold for non-payment of taxes shall not be again advertised for the same tax.

Property once sold not to be again advertised for same tax.

The expenses of said advertising and the printing of said pamphlet shall be paid by a charge of twenty cents for each lot or piece of property advertised.

Charge for advertising.

SEC. 2. That all acts and parts of acts inconsistent herewith are hereby repealed. [*March 19, 1890.*]

Repealed.

NOTE.—(1) This act supersedes 1888, Oct. 12, ch. 1097, 25 Stat. L., 556.

CHAP. 51.—An act to prevent the introduction of contagious diseases from one State to another and for the punishment of certain offenses.

March 27, 1890.

26 Stat. L., 31.

Be it enacted, &c., That whenever it shall be made to appear to the satisfaction of the President that cholera, yellow-fever, small-pox, or plague exists in any State or Territory, or in the District of Columbia, and that there is danger of the spread of such disease into other States, Territories, or the District of Columbia, he is hereby authorized to cause the Secretary of the Treasury to promulgate such rules and regulations as in his judgment may be necessary to prevent the spread of such disease from one State or Territory into another, or from any State or Territory into the District of Columbia, or from the District of Columbia into any State or Territory, and to employ such inspectors and other persons as may be necessary to execute such regulations to prevent the spread of such disease.

Contagious diseases, measures for preventing spread of, between States.

1878, April 29, ch. 66, *ante*, p. 157.

1888, Aug. 1, ch. 727, *ante*, p. 600.

The said rules and regulations shall be prepared by the Supervising Surgeon General of the Marine Hospital service under the direction of the Secretary of the Treasury.

Rules, by whom prepared, &c.

And any person who shall willfully violate any rule or regulation so made and promulgated shall be deemed guilty of a misdemeanor.

—willful violation of.

and upon conviction shall be punished by a fine of not more than five hundred dollars, or imprisonment for not more than two years, or both, in the discretion of the court.

—by officers, &c.,
of U. S.

SEC. 2. That any officer, or person acting as an officer, or agent of the United States at any quarantine station, or other person employed to aid in preventing the spread of such disease, who shall willfully violate any of the quarantine laws of the United States, or any of the rules and regulations made and promulgated by the Secretary of the Treasury as provided for in section one of this act, or any lawful order of his superior officer or officers, shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine of not more than three hundred dollars or imprisonment for not more than one year, or both, in the discretion of the court.

—by common
carriers.

SEC. 3. That when any common carrier or officer, agent, or employee of any common carrier shall willfully violate any of the quarantine laws of the United States, or the rules and regulations made and promulgated as provided for in section one of this act, such common carrier, officer, agent, or employee, shall be deemed guilty of a misdemeanor, and shall, on conviction, be punished by a fine of not more than five hundred dollars, or imprisonment for not more than two years, or both, in the discretion of the court. [March 27, 1890.]

April 1, 1890.

CHAP. 60.—An act to establish two additional land offices in the State of Montana.

26 Stat. L., 33.

Montana land
districts.

Missoula district.
R. S., § 2256.
1874, June 20,
ch. 342, ante, p. 26.
1880, April 30, ch.
71, ante, p. 281.

Office at Mis-
soula.

Judith district.

Office at Lewis-
town.

1890, Aug. 8,
Res. No. 36, post,
p. 883.

Registers and re-
ceivers.

R. S., § 2234.

Be it enacted, &c. That all that portion of the State of Montana bounded and described as follows:

Commencing at a point on the southern boundary of the State where the line between ranges fourteen and fifteen west of the Montana principal meridian intersects said boundary, and running north along said line to the northern boundary line of the State; thence with said boundary line to the northwest corner of the State; thence southwardly along the boundary line between Montana and Idaho, to the place of beginning, be, and the same is hereby, constituted a new land district, to be called Missoula land district of the State of Montana, and the land office for said district shall be located at the town of Missoula.

SEC. 2. That all that portion of the State of Montana commencing at that point on the first standard parallel north, where the range line between townships twenty-seven and twenty-eight east of the principal meridian intersects the same; thence running north along said range line to the southern bank of the Missouri River; thence westerly along said river to the point where the range line between ranges twelve and thirteen east of the principal meridian intersects said river: thence south along said range line, between ranges twelve and thirteen east, to the first standard parallel north, and thence east along said standard parallel to the place of beginning, be, and the same is hereby, constituted a new land district, to be called the Judith land district, in the State of Montana, and the land office for said district shall be located at the town of Lewiston.

SEC. 3. That the President, by and with the advice and consent of the Senate, is hereby authorized to appoint registers and receivers for such land districts, who shall discharge like and similar duties and receive the same amount of compensation as other officers discharging like duties in the other land offices of said State. [April 1, 1890.]

CHAP. 61.—An act to amend an act entitled “An act to provide for taking the eleventh and subsequent censuses,” approved March first, eighteen hundred and eighty-nine.

April 3, 1890.

26 Stat. L., 34.

Be it enacted, &c., That section eighteen of an act entitled “An act to provide for taking the Eleventh and subsequent censuses,” approved March first, eighteen hundred and eighty-nine, be amended by adding to the last line of said section eighteen, after the words “and actual necessary traveling expenses,” the words “and a per diem allowance in lieu of subsistence of three dollars per day.” [April 3, 1890.]

Census experts and special agents, maximum pay. 1889, March 1, ch. 319, § 18, *ante*, p. 658. Per diem allowance.

CHAP. 62.—An act to extend to Tampa, Florida, the privilege of immediate transportation of unappraised merchandise.

April 3, 1890.

26 Stat. L., 34.

Be it enacted, &c., That the provisions of the first section of the act entitled “An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes,” approved June tenth, eighteen hundred and eighty, be, and the same are hereby, extended to the port of Tampa, Florida. [April 3, 1890.]

Tampa, Fla., a port of entry for immediate transportation privileges.

1880, June 10, ch. 190, § 1, *ante*, p. 293. 1886, May 1, Res. No. 12, Feb. 28, ch. 275, *ante*, p. 547. 1889, Mar. 3, ch. 311, *ante*, p. 652.

CHAP. 63.—An act to provide for certain of the most urgent deficiencies in the appropriations for the service of the Government for the fiscal year ending June thirtieth, eighteen hundred and ninety, and for other purposes.

April 4, 1890.

26 Stat. L., 40.

Be it enacted, &c., * * That hereafter the Commissioner of Pensions shall, so far as may be practicable, in his annual reports state the amount paid for pensions during the fiscal year for which the report is made, in such manner as will indicate, separately, the number of pensioners and the aggregate payments for pensions on account of each of the wars for which pensions have been authorized, and on account of military and naval services since the close of the late war. * * [April 4, 1890.]

Commissioner of Pensions in annual reports to classify pensioners of each war.

R. S., §§ 470-474.

1877, Jan. 19, ch. 27, *ante*, p. 129.

CHAP. 65.—An act to provide for the times and places to hold terms of the United States courts in the State of Washington.

April 5, 1890.

26 Stat. L., 45.

Be it enacted, &c., That the State of Washington shall constitute one judicial district.

State of Washington a judicial district.

SEC. 2. That the circuit court of the United States in and for the State of Washington shall be held at the times and places provided by law for the holding of the United States district court in and for said district, and one grand and one petit jury only shall be summoned to serve in both said courts when held at the same place.

Terms of circuit court same as district court, &c.

R. S., §§ 572, 658. 1889, Feb. 22, ch. 180, § 21, *ante*, p. 649.

District in four divisions.

SEC. 3. That for the purpose of holding terms of the district court, said district shall be divided into four divisions, to be known as the eastern, southern, northern, and western divisions.

Eastern division.

The counties of Spokane, Stevens, Okanogan, Douglas, Lincoln, Adams, and Kittitas, including any and all Indian reservations in one or more of said counties, shall constitute the eastern division, the court for which shall be held at the city of Spokane Falls.

The counties of Whitman, Asotin, Garfield, Columbia, Walla Walla, Franklin, Yakima, and Klickitat, including any and all Indian reservations in one or more of said counties, shall constitute the southern division, the court for which shall be held at the city of Walla Walla.

Southern division.

Northern division. The counties of Whatcom, Skagit, San Juan, Island, Snohomish, Clallam, Jefferson, Kitsap, and King, including any and all Indian reservations in one or more of said counties, shall constitute the northern division, the court for which shall be held at the city of Seattle.

Western division. The counties of Pierce, Mason, Thurston, Chehalis, Pacific, Lewis, Wahkiakum, Cowlitz, Clarke, and Skamania, including any and all Indian reservations in one or more of said counties, shall constitute the western district, the court for which shall be held at the city of Tacoma.

Jurisdiction, &c. SEC. 4. That all civil suits not of a local character, which shall be brought in the district or circuit courts of the United States for the district of Washington, in either of the said divisions against a single defendant, or where all the defendants reside in the same division of said district, shall be brought in the division in which the defendant or defendants reside, or, if there are two or more defendants residing in different divisions, such suit may be brought in either division, and all mesne and final process subject to the provisions of this act, issued in either of said divisions, may be served and executed in either or all of said divisions.

Issue of fact, where triable. All issues of fact in civil causes triable in any of the said courts shall be tried in the division where the defendant or one of the defendants reside, unless by consent of both parties the case shall be removed to some other division.

Deputy clerks. SEC. 5. That the clerk of the circuit and district courts for said district shall each appoint a deputy clerk at the place where their respective courts are required to be held in the division of the district in which such clerk shall not himself reside, each of whom shall, in the absence of the clerk, exercise all the powers and perform all the duties of the clerk within the division for which he shall be appointed:

Appointment of. *Provided,* That the appointment of such deputies shall be approved by the court for which they shall have been respectively appointed, and may be annulled by such court at its pleasure, and the clerks shall be responsible for the official acts and negligence of all such deputies.

Terms of district court. SEC. 6. That the terms of the district court for the district of the State of Washington shall be held

Spokane Falls. At the city of Spokane Falls on the first Tuesday of September and April in each year;

Walla Walla. At the city of Walla Walla on the first Tuesday of November and May in each year;

Seattle. At the city of Seattle on the first Tuesday of December and June in each year, and at the city of Tacoma on the first Tuesday in February and July of each year.

Repeal. 1889, Feb. 22, ch. 180, § 21, *ante*, p. 649. And the provision of statute now existing for the holding of said courts on the first Monday in April and November in each year is hereby repealed and all suits, prosecutions, process, recognizances, bail bonds, and other things pending in or returnable to said court on the days last named, are hereby transferred to and shall be made returnable to and have force in the said respective terms in this act, provided in the same manner and with the same effect as they would have had had said existing statute not been passed. [April 5, 1890.]

April 9, 1890. CHAP. 73.—An act to continue the publication of the Supplement to the Revised Statutes. (1)

26 Stat. L., 50.

Supplement to Revised Statutes, publication to be continued. *Be it enacted, &c.,* That the publication of the Supplement to the Revised Statutes, embracing the statutes general and permanent in their nature, passed after the Revised Statutes, with references con-

NOTE (1).—Under this act the present volume is published. It contains all the permanent general laws in force at the date of issue, from 1874 to 1891, and supersedes Vol. I, prepared under the resolution of 1880, June 7, No. 44, *ante*, p. 311.

necting provisions on the same subject, explanatory notes, and citations of judicial decisions, be continued and issued in one volume, to include the general laws of the Forty-seventh, Forty-eighth, Fortyninth, Fiftieth, and Fifty-first Congresses, with a table of alterations and a general index to the whole, to be prepared and edited by the editor of the existing Supplement, authorized by the joint resolution of June Twenty-eighth, eighteen hundred and eighty, numbered forty-four (Supplement to Revised Statutes, page five hundred and eighty-two), to be stereotyped at the Government Printing Office, using the present plates, as far as practicable, with such alterations as may be found necessary, the work and plates and all right and title therein and thereto to be in and fully belong to the Government for its exclusive use and benefit.

SEC. 2. That a sufficient number of copies be printed and bound for distribution, and to be distributed to members of Congress for themselves, and for distribution by them, to the departments, libraries, public officers, and others, the same number to each as heretofore provided by Congress for the distribution of the Revised Statutes of the United States, and the same number to the editor as to a member of Congress and such additional copies on the order of the Secretary of State as may be necessary from time to time to supply deficiencies and offices newly created, and for keeping for sale in the same manner and like terms as the Revised Statutes are required to be kept for sale. For preparing and editing said Supplement, including the legislation of the Fifty-first Congress, and the indexing and all clerical work necessary to fully complete the same, there shall be paid to said editor the sum of six thousand dollars.

SEC. 3. That the publication herein authorized shall be taken to be prima facie evidence of the laws therein contained, but shall not change nor alter any existing law, nor preclude reference to nor control in case of any discrepancy, the effect of any original act passed by Congress. [April 9, 1890.]

1880, June 7,
Res. No. 44, ante,
p. 311.

Title thereto.

Printing, distribution, and sale.
1878, May 22,
Res. No. 22; Dec.
21, Res. No. 1; ante,
pp. 204, 261.

Prima facie evidence.

CHAP. 77.—An act to create the offices of surveyor-general in the States of North Dakota and South Dakota.

Be it enacted, &c., That there shall be appointed by the President, by and with the advice and consent of the Senate, a surveyor-general each for the States of North Dakota and South Dakota, embracing, respectively, one surveying district.

SEC. 2. That the surveyors-general of North Dakota and South Dakota shall each receive a salary at the rate of two thousand dollars per annum. [April 10, 1890.]

April 10, 1890.

26 Stat. L., 53.

Surveyors-General for each North and South Dakota.
R. S., § 2207.

Salaries.
R. S., § 2208.

CHAP. 78.—An act to amend article one hundred and three of the Rules and Articles of War

Be it enacted, &c., That the one hundred and third article of the Rules and Articles of War be, and the same is hereby, amended by adding thereto the following words:

“No person shall be tried or punished by a court-martial for desertion in time of peace and not in the face of an enemy, committed more than two years before the arraignment of such person for such offense, unless he shall meanwhile have absented himself from the United States, in which case the time of his absence shall be excluded in computing the period of the limitation: *Provided*, That said limitation shall not begin until the end of the term for which said person was mustered into the service.” [April 11, 1890.]

April 11, 1890.

26 Stat. L., 54.

Time of prosecution for desertion limited.
R. S., § 1342,
art. 103.

April 14, 1890.

CHAP. 80.—An act for the relief of soldiers and sailors who enlisted or served under assumed names, while minors or otherwise, in the Army or Navy, during the war of the rebellion.

26 Stat. L., 55.

Army and Navy. Discharge to soldiers and sailors who enlisted under assumed names.

R. S., §§ 1342, Art. 4, 1426, 1427. Applications.

Be it enacted, &c., That the Secretary of War and the Secretary of the Navy be, and they are hereby, authorized and required to issue certificates of discharge or orders of acceptance of resignation, upon application and proof of identity, in the true name of such persons as enlisted or served under assumed names, while minors or otherwise, in the Army and Navy during the war of the rebellion, and were honorably discharged therefrom.

Applications for said certificates of discharge or amended orders of resignation may be made by or on behalf of persons entitled to them;

Exception.

But no such certificate or order shall be issued where a name was assumed to cover a crime or to avoid its consequence. [April 14, 1890.]

April 16, 1890.

CHAP. 83.—An act to establish two additional land districts in the State of Nebraska.

26 Stat. L., 55. Nebraska.

Be it enacted, &c., That all that portion of the State of Nebraska bounded and described as follows:

Land districts. Broken Bow. R. S., § 2256. 1882, June 19, ch. 280, ante, p. 347. 1886, May 3, ch. 81, ante, p. 490.

Commencing at a point where the fifth guide meridian west of the sixth principal meridian intersects the line between townships twenty-six and twenty-seven north; thence east along said line to the northeast corner of township twenty-six north, of range twenty-one west; thence south to the fifth standard parallel north; thence east along said standard parallel to the second guide meridian west; thence south to the fourth standard parallel north; thence west to the southwest corner of township seventeen north, of range twenty-seven west; thence north to the northeast corner of township eighteen north, of range twenty-eight west; thence west to the fifth guide meridian west; and thence north along said fifth guide meridian west to the place of beginning, be, and the same is hereby, constituted a new land district, to be called the Broken Bow land district, the land office for which shall be located at Broken Bow, in the State of Nebraska.

Office at Broken Bow.

SEC. 2. That all that portion of the State of Nebraska bounded and described as follows:

Alliance district.

Commencing at a point where the line between townships twenty-seven and twenty-eight north intersects the western boundary of the State; thence east along said township line to the northeast corner of township twenty-seven north, of range forty-one west; thence south to the southeast corner of township nineteen north, of range forty-one west; thence west to the southwest corner of township nineteen north, of range forty-five west, all of the sixth principal meridian; thence north to the fifth standard parallel north; thence west along said fifth standard parallel north to the western boundary of the State; and thence along said boundary line to place of beginning, be, and the same is hereby, constituted a new land district, to be called the Alliance land district, the land office for which district shall be located at Alliance, in the State of Nebraska.

Office at Alliance.

Register and receiver for each district.

SEC. 3. That the President, by and with the advice and consent of the Senate, is hereby authorized to appoint a register and receiver for each of the said land districts hereby created, who shall reside in the places where the land offices are located, and shall discharge like and similar duties and receive the same amount of compensation therefor as other officers discharging like duties in the land offices of the State of Nebraska;

Changes may be made.

Change in location of office.

And said land districts shall be subjected, as other land districts are, under the laws, to be changed or consolidated with any other district or districts, and the land offices may be changed to any other location by order of the President. [April 16, 1890.]

CHAP. 85.—An act providing for the appointment of an assistant General Superintendent and a chief clerk, Railway Mail Service.

April 16, 1890.

Be it enacted, &c., That the Postmaster-General may appoint, and assign to duty, one assistant general superintendent, Railway Mail Service, who shall be paid a salary of three thousand dollars per year;

And one chief clerk of Railway Mail Service, to be employed in the Post-Office Department, who shall be paid two thousand dollars per year;

Said assistant general superintendent and chief clerk to be also paid their necessary and actual expenses while traveling on the business of the Department.

The salaries and expenses of these officers shall be paid out of the appropriation for the transportation of mail on railways. [April 16, 1890.]

26 Stat. L., 56.

Assistant general superintendent and chief clerk Railway Mail Service.

R. S., § 393.
1878, June 17, ch. 259, par. 1;
1881, March 3, ch. 96, par. 1; *ante* pp. 187, 319.

Expenses, &c., paid.

CHAP. 101.—An act to extend to the port of San Antonio, in the customs collection district of Saluria, in the State of Texas, the privileges of the seventh section of the act approved June tenth, eighteen hundred and eighty, entitled, "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes."

April 19, 1890.

26 Stat. L., 58.

Be it enacted, &c., That the privileges of the seventh section of the act approved June tenth, eighteen hundred and eighty, entitled, "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," be, and the same are hereby, extended to the port of San Antonio, in the customs collection district of Siluria, in the State of Texas. [April 19, 1890.]

San Antonio, Texas, to be a port of immediate delivery.

1880, June 10, ch. 190, § 7, *ante*, p. 294.

CHAP. 153.—An act to establish three new land districts in the Territory of Wyoming.

April 23, 1890.

Be it enacted, &c., That all the public lands in the Territory of Wyoming bounded and described as follows, beginning at a point on the eastern boundary of the said Territory where the tenth standard parallel north intersects the same; thence running west along said tenth standard parallel north to the southeast corner of township forty-one north, range seventy-five west; thence north on the line between ranges seventy-four and seventy-five west to the northern boundary-line of the said Territory; thence east along said northern boundary-line to the northeast corner of the said Territory; thence south along the said eastern boundary-line of the said Territory to the place of beginning, shall constitute a new land district, and the land office of the said district shall be located at such place in said district as the President may direct.

26 Stat. L., 61.

Wyoming land districts.

R. S., § 2256.
1876, Aug. 9, ch. 256, *ante*, p. 116.
1887, March 3, ch. 352, par. 5, *ante*, p. 563.

Office.

SEC. 2. That all the public lands of the Territory of Wyoming bounded and described as follows, beginning at a point on the northern boundary of the said Territory where the twelfth guide meridian will, when extended, intersect with the same; thence south along said guide meridian to the eleventh standard parallel north; thence east along said parallel to the eleventh auxiliary meridian; thence south along said meridian, when extended, to the seventh standard parallel north; thence west along said seventh standard parallel to the southwest corner of township twenty-nine north, range one hundred and four west, of the sixth principal meridian; thence north along said line between ranges one hundred and four and one hundred and five west to the ninth standard parallel north, when extended; thence along said parallel, when extended, to the western boundary of the said Territory; thence north along said western boundary to the northern boundary of the said Territory; thence east

Second district.

Office.

along said northern boundary to the place of beginning, shall constitute a new land district, and the land office of the said district shall be located at such place in the said district as the President may direct.

Third district.

SEC. 3. That all the public lands in the Territory of Wyoming bounded and described as follows, beginning at a point on the eastern boundary of the said Territory where the tenth standard parallel north intersects the same; thence running west along the said tenth standard parallel north to the eleventh auxiliary meridian; thence south along said meridian when extended, to the seventh standard parallel north; thence east along the said seventh standard parallel to the southeast corner of township twenty-nine north, range seventy-one west; thence north on the line between ranges seventy and seventy-one west to the southeast corner of township thirty-one north, range seventy-one west; thence east along the line between townships thirty and thirty-one north to the eastern boundary-line of the said Territory to the place of beginning, shall constitute a new land district, and the land office of the said district shall be located at such place in said district as the President may direct.

Office.

Registers and receivers.

R. S., § 2234.

SEC. 4. That the President be, and is hereby, authorized to appoint, by and with the advice and consent of the Senate, or during the recess thereof, and until the next session after such appointment, a register and receiver for each of said districts, who shall be required to reside in the town in their respective districts as may be designated for the location of the land office, and they shall be subject to the same laws and be entitled to the same compensation as is or may be provided by law in relation to the existing land offices and officers in said Territory. [April 23, 1890.]

April 26, 1890.

26 Stat. L., 66.

CHAP. 159.—An act in relation to immediate transportation of dutiable goods, amendatory of the act of June tenth, eighteen hundred and eighty.

San Diego and Wilmington, Cal., immediate transportation privileges extended to. 1874, June 6, ch. 218, *ante*, p. 10.

1880, June 10, ch. 190, § 7, *ante*, p. 294.

1882, June 16, ch. 233, *ante*, p. 346.

Be it enacted, &c., That section one of an act entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," approved June tenth, eighteen hundred and eighty, be, and the same is hereby, amended so as to include the ports of San Diego and Wilmington, in California, and that all dutiable goods or merchandise delivered at said ports and destined for either of the ports specified in the seventh section of said act as hereby amended shall be entitled to immediate transportation to the port of their destination, as provided in the act which is hereby amended. [April 26, 1890.]

April 26, 1890.

26 Stat. L., 67.

CHAP. 161.—An act to divide the judicial district of North Dakota.

North Dakota judicial district. Divisions.

1889, Feb. 22, ch. 180, § 21, *ante*, p. 649. District courts. R. S., § 572.

Southwestern.

Be it enacted, &c., That the State of North Dakota shall constitute one judicial district.

SEC. 2. That for the purpose of holding terms of the district court said district shall be divided into four divisions, to be known as the Southwestern, Southeastern, Northeastern, and Northwestern divisions;

That portion of the State comprising the present counties of Burleigh, Stutsman, Logan, McIntosh, Emmons, Kidder, Foster, Wells, McLean, and all the territory in said State of North Dakota lying south and west of the Missouri river shall constitute the Southwestern Division, the court for which shall be held at the city of Bismarck.

That portion of the State comprising the present counties of Cass, Richland, Barnes, Dickey, Sargent, La Moure, Ransom, Griggs and Steele shall constitute the Southeastern Division, the court for which shall be held at the city of Fargo.

Southeastern.

That portion of the State comprising the present counties of Grand Forks, Traill, Walsh, Pembina, Cavalier, and Nelson shall constitute the Northeastern Division, the court for which shall be held at the city of Grand Forks.

Northeastern.

That portion of the State comprising the present counties of Ramsey, Eddy, Benson, Towner, Rolette, Bottineau, Pierce, McHenry, and Ward, and all the territory in said State of North Dakota lying north of the said Southwestern Division, shall constitute the Northwestern Division, the court for which shall be held at the city of Devil's Lake.

Northwestern.

SEC. 3. That the terms of the district court for the district of North Dakota shall be held

Terms of district court.

At Bismarck on the first Tuesday of April in each year;

At Fargo on the third Tuesday of May in each year;

At Grand Forks on the first Tuesday of December in each year, and

At Devil's Lake on the first Tuesday of February in each year.

And the provisions of law now existing for the holding of said court on the first Monday in April and November of each year is hereby repealed, and all suits, prosecutions and processes, recognizances, bail bonds, and other proceedings of whatever nature pending in or returnable to said court on the days last named are hereby transferred to and shall be made returnable to and have force in the said respective terms provided in this act in the same manner and with the same effect as they would have had had this act not been passed.

Repeal, &c.
1889, Feb. 22,
ch. 180, § 21, ante,
p. 649.

SEC. 4. That all civil suits not of a local character now pending or which shall be brought in the district or circuit courts of the United States for the district of North Dakota, in either of the said divisions against a single defendant, or where all the defendants reside in the same divisions of said district, shall be brought in the division in which the defendant or defendants reside, or, if there are two or more defendants residing in different divisions, such suit may be brought in either division, and all mesne and final process subject to the provisions of this act, issued in either of said divisions, may be served and executed in either or all of said divisions.

Jurisdiction.

All issues of fact in civil causes triable in any of the said courts shall be tried in the division where the defendant or one of the defendants reside, unless by consent of both parties the case shall be removed to some other division.

Issues of fact;
where triable.

SEC. 5. That the circuit court of the United States for said district shall be held

Circuit court terms.

At Bismarck on the first Tuesday of April in each year, and

At Fargo on the third Tuesday of May in each year, and

At Grand Forks on the first Tuesday of December in each year, and

At Devil's Lake on the first Tuesday of February of each year;

And cases taken on appeal or writ of error from the District Court shall be returnable to the Circuit Court held in that judicial subdivision from which the appeal was taken.

R. S., § 658.

Appeals and writs of error.

When the Circuit Court and District Court is held, as provided in this act, at the same time and place, one grand and one petit jury only shall be summoned and serve in both said courts.

Jury for both courts at one place.

SEC. 6. That the clerk of the circuit and district courts for said district shall each appoint a deputy clerk at the place where their respective courts are required to be held in the division of the district in which such clerk shall not himself reside, each of whom shall, in the absence of the clerk, exercise all the powers and perform all the duties of clerk within the division for which he shall be appointed:

Deputy clerks.

Deputy clerks
subject to judicial
approval, &c

That the appointment of such deputies shall be approved by the court for which they shall have been respectively appointed, and may be annulled by such court at its pleasure, and the clerks shall be responsible for the official acts and negligence of all such deputies [April 26, 1890.]

April 26, 1890.

CHAP. 165.—An act to regulate the sitting of the courts of the United States within the District of South Carolina.

26 Stat. L., 71.

South Carolina
judicial district;
circuit court
terms.

R. S., § 658.

Be it enacted, &c., That there shall be four regular terms of the circuit court of the United States for the district of South Carolina in each year, as follows :

In the city of Greenville, on the first Monday in February and on the first Monday in August ;

In the city of Charleston, on the first Monday in April,

And in the city of Columbia on the fourth Monday in November ;

Cases pending
at end of term to
be continued.

And that the cases upon the calendars of said court not disposed of at any term may be called and disposed of by trial or otherwise at the succeeding term thereof.

Circuit court
clerk, &c.

SEC. 2. That the office of the clerk of said court shall be kept in the cities of Charleston and of Greenville, and the clerk shall reside in one of the said cities and shall have a deputy in the other.

District courts:
Eastern district.
R. S., § 572.

SEC. 3. That the regular terms of the district courts in the eastern district of South Carolina shall be held each year

In the city of Charleston on the first Monday of January, the first Monday in April, and the first Monday of July ;

In the city of Columbia on the fourth Monday in November.

Western dis-
trict.

SEC. 4. That the regular terms of the district court in the western district of South Carolina shall be held in each year in the city of Greenville, on the first Monday in February and on the first Monday in August.

District court
clerk.

SEC. 5. That the office of the clerk of the district court shall be kept in the city of Greenville, and also in the city of Charleston, and the clerk shall reside in one of said cities, and shall have a deputy in the other.

Repeal.

SEC. 6. That all acts and parts of acts inconsistent with this act are hereby repealed. [April 26, 1890.]

April 26, 1890.

CHAP. 167.—An act providing the terms and places of holding the courts of the United States in the district of Minnesota, and for other purposes.

26 Stat. L., 72.

Minnesota judi-
cial district divid-
ed into divisions.
R. S., § 531.

First.

Be it enacted, &c., That for the purpose of holding terms of court the district of Minnesota is hereby divided into six divisions, to be known as the first, second, third, fourth, fifth, and sixth divisions.

That portion of the State of Minnesota comprising the counties of Winona, Wabasha, Olmstead, Dodge, Steele, Mower, Fillmore, and Houston, shall constitute the first division, the courts of which shall be held at Winona ;

Second.

The counties of Freeborn, Faribault, Martin, Jackson, Nobles, Rock, Pipestone, Murray, Cottonwood, Watonwan, Blue Earth, Waseca, Le Sueur, Nicollet, Brown, Redwood, Lyon, Lincoln, Yellow Medicine, Sibley, and Lac Qui Parle shall constitute the second division, the courts of which shall be held at Mankato ;

Third.

The counties of Chicago, Washington, Ramsey, Dakota, Goodhue, Rice, and Scott shall constitute the third division, the courts of which shall be held at Saint Paul ;

Fourth.

The counties of Hennepin, Wright, Meeker, Kandiyohi, Swift, Chippewa, Renville, McLeod, Carver, Anoka, Sherburne, and Isanti shall constitute the fourth division, the courts of which shall be held at Minneapolis ;

That the counties of Cook, Lake, Saint Louis, Itasca, Cass, Crow Wing, Aitkin, Carlton, Pine, Kanabec, Mille Lacs, Morrison, and Benton shall constitute the fifth division, the courts of which shall be held at Duluth;

Fifth.

The counties of Stearns, Pope, Stevens, Big Stone, Traverse, Grant, Douglas, Todd, Otter Tail, Wilkin, Clay, Becker, Wadena, Norman, Polk, Marshall, Kittson, Beltrami and Hubbard shall constitute the sixth division, the courts of which shall be held at Fergus Falls.

Sixth.

SEC. 2. That causes removed from any court in the State of Minnesota into the circuit court shall be removed to the circuit court in the division in which said State court is held;

Removal of causes.

And all civil suits not of a local nature must be brought in the division where the defendant or defendants reside; but, if there are two or more defendants residing in different divisions, the action may be brought in any division in which a defendant resides.

Suits not local, where commenced.

That all civil process from the circuit and district courts of the United States for said district of Minnesota against defendants residing or found therein, shall be returned to the place appointed for the holding of said courts in the division where such defendant resides.

Process.

That if there be more than one defendant, and they reside in different divisions of the district, the plaintiff may sue in either division, and send duplicate writ or writs to the other defendants; and the said writs, when executed and returned into the court from which they issued, shall constitute one suit and be proceeded in accordingly.

Duplicate writs, &c.

SEC. 3. That all actions triable in either of the courts of said district shall be tried in the division in which the process is returnable under the provisions of this act, unless by consent of all parties the action be removed to some other division of said district.

Actions, where triable.

SEC. 4. That regular terms of the circuit and district courts shall be held as follows:

Terms of courts, R. S., §§ 572-658.

For the first division, on the first Tuesday in June, and the first Tuesday in December;

For the second division, on the third Tuesday in April and the first Tuesday in November;

For the third division, on the fourth Tuesday in June and the second Tuesday in January;

For the fourth division, on the first Tuesday in March and the first Tuesday in September;

For the fifth division, on the second Tuesday in May and the second Tuesday in October;

For the sixth division, on the fourth Tuesday in March and the fourth Tuesday in September.

SEC. 5. That the clerks of the circuit and district courts of the district of Minnesota shall each appoint a deputy clerk at the place where their respective courts are required to be held in the division of the district in which such clerk shall not himself reside, who shall keep his office and reside at the place appointed for holding said courts in the division of such residence, and shall keep the records of said courts for such division, and in the absence of the clerk, may exercise all the official powers of the clerks within the division for which he is appointed:

Deputy clerks.

Provided, That the appointment of such deputies shall be approved by the court for which they shall have been respectively appointed, and may be annulled by such court at its pleasure, and the clerks shall be responsible for the official acts and negligence of their respective deputies.

—subject to judicial approval, &c.

SEC. 6. That a grand and petit jury shall be summoned for each of said terms, which petit jury shall be competent to sit and act as such jury in either or both of said courts at such terms:

Juries.

When not more than one grand jury each year.

When act takes effect.

Provided, That the judge of district court may, in his discretion, dispense with the summoning or impaneling of more than one grand jury in each year in any of said divisions.

SEC. 7. That this act shall take effect and be in force from and after the first day of August, anno Domini eighteen hundred and ninety. [April 26, 1890.]

April 29, 1890.

26 Stat. L., 77.

Arizona customs collection district.
R. S., § 2578, par. 5.

Collector; his residence.

Compensation.

CHAP. 171.—An act to create a customs district of the Territory of Arizona.

Be it enacted, &c., That a new customs collection district, to be called the district of Arizona, be, and the same is hereby, established, which shall embrace all the territory now included in the Territory of Arizona;

And a collector shall be appointed for the same, to reside at Nogales, which shall be the port of entry for the district; and the said collector shall receive in full for all services as collector a compensation at the rate of two thousand dollars per annum, which compensation shall be in lieu of salary, fees, commissions, storage, and all perquisites of every name and nature. [April 29, 1890.]

May 1, 1890.

26 Stat. L., 80.

Rockport, Maine, a port of delivery.
R. S., § 2517, par. 7.

CHAP. 180.—An act to establish Rockport, in the district of Belfast, Maine, as a port of delivery.

Be it enacted, &c., That Rockport shall be a port of delivery in the district of Belfast, State of Maine. [May 1, 1890.]

May 2, 1890.

26 Stat. L., 81.

Territory of Oklahoma.

Boundaries.
19 Opins., 569.

CHAP. 182.—An act to provide a temporary government for the Territory of Oklahoma, to enlarge the jurisdiction of the United States Court in the Indian Territory, and for other purposes.

Be it enacted, &c., That all that portion of the United States now known as the Indian Territory (1), except so much of the same as is actually occupied by the five civilized tribes, and the Indian tribes within the Quapaw Indian Agency, and except the unoccupied part of the Cherokee outlet, together with that portion of the United States known as the Public Land Strip, is hereby erected into a temporary government by the name of the Territory of Oklahoma.

The portion of the Indian Territory included in said Territory of Oklahoma is bounded by a line drawn as follows: Commencing at a point where the ninety-eighth meridian crosses the Red River, thence by said meridian to the point where it crosses the Canadian River, thence along said river to the west line of the Seminole country, thence along said line to the north fork of the Canadian River, thence down said river to the west line of the Creek country, thence along said line to the northwest corner of the Creek country, thence along the north line of the Creek country, to the ninety-sixth meridian, thence northward by said meridian to the southern boundary line of Kansas, thence west along said line to the Arkansas River, thence down said river to the north line of the land occupied by the Ponca tribe of Indians from which point the line runs so as to include all the lands occupied by the Ponca, Tonkawa, Otoe and Missouri, and the Pawnee tribes of Indians until it strikes the south line of the Cherokee outlet which it follows westward to the east line of the State of Texas, thence by the boundary line of the State of Texas to the point of beginning;

NOTE.—(1) Boundaries of Indian Territory stated in 1889, March 1, ch. 333, § 1, *ante*, p. 671. See also § 29 of this act, *post*, p. 731.

The Public Land Strip which is included in said Territory of Oklahoma is bounded east by the one-hundredth meridian, south by Texas, west by New Mexico, north by Colorado and Kansas.

Public Land Strip included. 1891, March 3, ch. 542, par. 2, post, p. 927. —Cherokee Outlet, when.

Whenever the interest of the Cherokee Indians in the land known as the Cherokee outlet shall have been extinguished and the President shall make proclamation thereof, said outlet shall thereupon and without further legislation, become a part of the Territory of Oklahoma.

Any other lands within the Indian Territory not embraced within these boundaries shall hereafter become a part of the Territory of Oklahoma whenever the Indian nation or tribe owning such lands shall signify to the President of the United States in legal manner its assent that such lands shall so become a part of said Territory of Oklahoma, and the President shall thereupon make proclamation to that effect.

—other lands, when.

Congress may at any time hereafter change the boundaries of said Territory, or attach any portion of the same to any other State or Territory of the United States without the consent of the inhabitants of the Territory hereby created: *Provided*, That nothing in this act shall be construed to impair any right now pertaining to any Indians or Indian tribe in said Territory under the laws, agreements, and treaties of the United States, or to impair the rights of person or property pertaining to said Indians, or to affect the authority of the Government of the United States to make any regulation or to make any law respecting said Indians, their lands, property, or other rights which it would have been competent to make or enact if this act had not been passed.

Boundaries may be changed.

Rights of Indians not impaired.

SEC. 2. That the executive power of the Territory of Oklahoma shall be vested in a governor, who shall hold his office for four years, and until his successor shall be appointed and qualified, unless sooner removed by the President of the United States. The governor shall reside within said Territory; shall be commander-in-chief of the militia thereof; he may grant pardons for offenses against the laws of said Territory, and reprieves for offenses against the laws of the United States, until the decision of the President can be made known thereon; he shall commission all officers who shall be appointed to office under the laws of said Territory, and shall take care that the laws be faithfully executed.

Governor. R. S., § 1841.

SEC. 3. That there shall be a secretary of said Territory, who shall reside therein and hold his office for four years unless sooner removed by the President of the United States; he shall record and preserve all the laws and the proceedings of the legislative assembly hereinafter constituted, and all acts and proceedings of the governor in his 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 of the United States and to the Secretary of the Interior and, at the same time, two copies of the laws and journals of the legislative assembly to the Speaker of the House of Representatives and the President of the Senate for the use of Congress; and in case of the death, removal, resignation, or other necessary 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.

Secretary. R. S., §§ 1843, 1844.

SEC. 4. That the legislative power and authority of said Territory shall be vested in the governor and legislative assembly.

Legislative power. R. S., § 1846.

The legislative assembly shall consist of a council and a house of representatives.

Council.

The council shall consist of thirteen members, having the qualifications of voters as hereinafter prescribed, whose term of service shall continue two years.

House of Representatives.

The house of representatives shall consist of twenty-six members, possessing the same qualifications as prescribed for members of the council, and whose term of service shall continue two years, and the sessions of the legislative assembly shall be biennial and shall be limited to sixty days' duration:

Sessions.

First session.
19 Opins., 682.

Provided, however, That the duration of the first session of said legislative assembly may continue one hundred and twenty days.

Voters at first election.

SEC. 5. That all male citizens of the United States above the age of twenty-one years, and all male persons of foreign birth over said age who shall have twelve months prior thereto declared their intention to become citizens of the United States, as now required by law, who are actual residents at the time of the passage of this act of that portion of said Territory which was declared by the proclamation of the President to be open for settlement on the twenty-second day of April, anno Domini eighteen hundred and eighty-nine, and of that portion of said Territory heretofore known as the Public Land Strip, shall be entitled to vote at the first election in the Territory.

1889, March 23,
Proc. No. 2, 26
Stat. L., 1544.

Subsequent elections.

Qualifications of voters and eligibility to office.

Restrictions as to suffrage, holding office, etc.

At every subsequent election the qualifications of voters and of holding office shall be such as may be prescribed by the legislative assembly, subject, however, 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 persons of foreign birth above that age who have declared, on oath, before a competent court of record, as required by the naturalization laws of the United States their intention to become citizens, and have taken an oath to support the Constitution of the United States, and who shall have been residents of the United States for the term of twelve months before the election at which they offer to vote.

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, marine, 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 said Territory by reason of being on service therein.

Fourth. No person belonging to the Army or Navy shall be elected to, or hold, any civil office or appointment in said Territory.

Restrictions on legislation.

SEC. 6. That the legislative power of the 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, nor shall any law be passed impairing the right to private property, nor shall any unequal discrimination be made in taxing different kinds of property, but all property subject to the taxation shall be taxed in proportion to its value.

License and special taxes.

Provided, That nothing herein shall be held to prohibit the levying and collecting license or special taxes in the Territory from persons engaged in any business therein, if the legislative power shall consider such taxes necessary.

Enactment of laws.

Every bill which shall have passed the council and the house of representatives of said Territory shall, before it becomes a law, be presented to the governor of the Territory. If he approve he shall sign it, but if not, he shall return it with his objections to the house in which it originated, who shall enter the objections at large upon their journal and proceed to reconsider it. If, after such reconsideration, two-thirds of that house shall 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 vote of both houses shall be determined by yeas and nays to be entered on the journal of each house, respectively. If any bill shall not be returned by the governor within five days (Sunday excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the assembly, by adjournment, prevent its return, in which case it shall not be a law.

SEC. 7. That all township, district, and county officers, not herein otherwise provided for, shall be appointed or elected, as the case may be, in such manner as shall be provided by the governor and legislative assembly of the Territory. The governor shall nominate and, by and with the advice and consent of the council, appoint all officers not herein otherwise provided for, and in the first instance the governor alone may appoint all such officers, who shall hold their offices until the end of the first session of the legislative assembly; and he shall lay off the necessary districts for members of the council and house of representatives, and all other officers, and whenever a vacancy happens from resignation or death, during the recess of the legislative council in any office which is filled by appointment of the governor, by and with the advice and consent of 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.

Township, district, and county officers.

It is further provided that the legislative assembly shall not authorize the issuing any bond, script, or evidence of debt by the Territory, or any county, city, town, or township therein for the construction of any railroad.

Legislature not to authorize railroad construction bonds.

SEC. 8. That no member of the legislative assembly 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 provided for by this act;

Incompatibility of offices.

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 said Territory.

SEC. 9. That the judicial power of said Territory shall be vested in a supreme court, district courts, probate courts, and justices of the peace.

Judicial power. R. S., §§ 1864, 1907.

The supreme court shall consist of a chief-justice and two associate justices, any two of whom shall constitute a quorum. They shall hold their offices for four years, and until their successors are appointed and qualined, and they shall hold a term annually at the seat of government of said Territory.

Supreme court.

The jurisdiction of the several courts herein provided for, both appellate and original, and that of the probate courts and of the justices of the peace, shall be as limited by law:

Jurisdiction of all courts.

Provided, That justices of the peace, who shall be elected in such manner as the legislative assembly may provide by law, shall not have jurisdiction of any matter in controversy when the title or boundaries of land may be in dispute, or where the debt or sum claimed shall exceed one hundred dollars;

—justices of peace.

And the said supreme and district courts, respectively, shall possess chancery as well as common law jurisdiction and authority for redress of all wrongs committed against the Constitution or laws of the United States or of the Territory affecting persons or property.

Supreme and district courts to have chancery and common law powers.

Said Territory shall be divided into three judicial districts, and a district court shall be held in each county in said district thereof by one of the justices of the supreme court, at such time and place

Three judicial districts established.

as may be prescribed by law, and each judge after assignment shall reside in the district to which he is assigned.

Supreme court to define districts and fix county seats and time of holding courts.

The supreme court shall define said judicial districts, and shall fix the times and places at each county seat in each district where the district court shall be held and designate the judge who shall preside therein. And the territory not embraced in organized counties shall be attached for judicial purposes to such organized county or counties as the supreme court may determine.

Courts to appoint their own clerks, &c.

The supreme court of said Territory shall appoint its own clerk, who shall hold his office at the pleasure of the court for which he is appointed. Each district court shall appoint its clerk, who shall also be the register in chancery, and shall keep his office where the court may be held.

Appeals from district courts.

Writs of error, bills of exception, and appeals shall be allowed in all cases from the final decisions of said district courts to the supreme court under such regulations as may be prescribed by law, but in no case removed to the supreme court shall trial by jury be allowed in said court.

Jury.

Appeals from supreme court to U. S. Supreme Court. 1891, Mar. 3, ch. 517, § 15, *post*, p. 905.

Writs of error and appeals from the final decisions of said supreme court 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 oath or affirmation of either party or other competent witness, shall exceed five thousand dollars; (2)

Jurisdiction of district courts.

And each of the said district courts shall have and exercise, exclusive of any court heretofore established, 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.

— as to portion of Cherokee Outlet.

In addition to the jurisdiction otherwise conferred by this act, said district courts shall have and exercise exclusive original jurisdiction over all offenses against the laws of the United States committed within that portion of the Cherokee Outlet not embraced within the boundaries of said Territory of Oklahoma as herein defined, and in all civil cases between citizens of the United States residing in such portion of the Cherokee Outlet, or between citizens of the United States, or of any State or Territory, and any citizen of or person or persons residing or found therein, when the value of the thing in controversy or damages or money claimed shall exceed one hundred dollars; writs of error, bills of exceptions, and appeals shall in all such cases, civil and criminal, be allowed from the district courts to the supreme court in like manner, and be proceeded with in like manner as in cases arising within the limits of said Territory.

For all judicial purposes as herein defined such portion of the Cherokee Outlet not embraced within the boundaries of the Territory of Oklahoma shall be attached to, and be a part of, one of the judicial districts of said Territory as may be designated by the supreme court.

Jurisdiction of United States courts in States transferred, &c.

R. S., § 533.
1883, Jan. 6, ch. 13, *ante*, p. 389.
1889, Mar. 1, ch. 333, § 17, *ante*, p. 674.

All acts and parts of acts heretofore enacted, conferring jurisdiction upon United States courts held beyond and outside the limits of the Territory of Oklahoma as herein defined, as to all causes of action or offenses in said Territory, and in that portion of the Cherokee Outlet hereinbefore referred to, are hereby repealed, and such jurisdiction is hereby given to the supreme and district courts in said Territory; but all actions commenced in such courts, and crimes committed in said Territory and in the Cherokee Outlet, prior to the passage of this act, shall be tried and prosecuted, and proceeded with until finally disposed of, in the courts now having jurisdiction thereof, as if this act had not been passed.

NOTE.—(2) In accordance with the provisions of 1891, March 3, ch. 517, § 15, *post*, p. 905, Oklahoma has been assigned to the Eighth Judicial Circuit, 139 U. S. 707.

The said supreme and district courts of said Territory, and the respective judges thereof, shall and may grant writs of mandamus and habeas corpus in all cases authorized by law; and the first six days of every term of said courts, or so much thereof as shall be necessary, shall be appropriated to the trial of causes arising under the said Constitution and laws; and writs of error and appeals in all such cases shall be made to the supreme court of said Territory, as in other cases.

Mandamus, habeas corpus, and writs of error.

SEC. 10. Persons charged with any offense or crime in the Territory of Oklahoma, and for whose arrest a warrant has been issued, may be arrested by the United States marshal or any of his deputies, wherever found in said Territory, but in all cases the accused shall be taken, for preliminary examination, before a United States commissioner, or a justice of the peace of the county, whose office is nearest to the place where the offense or crime was committed.

Crimes and offenses: arrests, &c.

All offenses committed in said Territory, if committed within any organized county, shall be prosecuted and tried within said county, and if committed within territory not embraced in any organized county, shall be prosecuted and tried in the county to which such territory shall be attached for judicial purposes.

Prosecutions and trials.

And all civil actions shall be instituted in the county in which the defendant, or either of them, resides or may be found; and when such actions arise within any portion of said Territory, not organized as a county, such actions shall be instituted in the county to which such territory is attached for judicial purposes; but any case, civil or criminal, may be removed, by change of venue, to another county.

Civil suits.

SEC. 11. That the following chapters and provisions of the Compiled Laws of the State of Nebraska, in force November first, eighteen hundred and eighty-nine, in so far as they are locally applicable, and not in conflict with the laws of the United States or with this act, are hereby extended to and put in force in the Territory of Oklahoma until after the adjournment of the first session of the legislative assembly of said Territory, namely:

What laws of Nebraska extend to Oklahoma.

The provisions of articles two, three, and four of chapter two, entitled "Agriculture;"

Of chapter four, entitled "Animals;"

Of chapter six, entitled "Assignments;"

Of chapter seven, entitled "Attorneys;"

Of chapter ten, entitled "Bonds and oaths—official;"

Of chapter twelve, entitled "Chattel mortgages;"

Of chapter fourteen, entitled "Cities of the second class and villages;"

Of chapter fifteen, entitled "Common law;"

Of chapter sixteen, entitled "Corporation;"

Of chapter eighteen, entitled "Countys and county officers;"

Of sections fifteen and sixteen of article six of the constitution of said State, and

Of chapter twenty of said laws, entitled "Courts—probate;"

Of chapter twenty-three, entitled "Decedents;"

Of chapter twenty-four, entitled "Deputies;"

Of chapter twenty-five, entitled "Divorce and alimony;"

Of chapter twenty-six, entitled "Elections;"

Of chapter twenty-eight, entitled "Fees;"

Of chapter thirty-two, entitled "Frauds;"

Of chapter thirty-four, entitled "Guardians and wards;"

Of chapter thirty-six, entitled "Homesteads;"

Of chapter forty-one, entitled "Instruments negotiable;"

Of chapter forty-four, entitled "Interests;"

Of chapter forty-six, entitled "Jails;"

Of chapter fifty, entitled "Liquors;" but no licenses shall be issued under this chapter;

Of chapter fifty-two, entitled "Marriage;"

Of chapter fifty-three, entitled "Married women;"

Of chapter fifty-four, entitled "Mechanics' and laborers' liens;"

Of chapter sixty-one, entitled "Notaries public;"

Of chapter sixty-two, entitled "Oaths and affirmations;"

Of chapter sixty-three, entitled "Occupying claimants;"

Of article one of chapter seventy-two, entitled "Railroads;"

Of chapter seventy-three, entitled "Real estate;"

And the provisions of part two of said laws, entitled "Code of civil procedure,"

And of part three thereof, entitled "Criminal code."

Election pre-
cincts and officers.

The governor of said Territory is authorized to divide each county into election precincts and into such political sub-divisions other than school districts as may be required by the laws of the State of Nebraska; and he is hereby authorized to appoint all officers of such counties and subdivisions thereof as he shall deem necessary, and all election officers until their election or appointment shall be provided for by the legislative assembly, but not more than two of the judges or inspectors of election in any election precinct shall be members of the same political party, and the candidates of each political party who may be voted for at such election may designate one person who shall be present at the counting and canvassing of the votes cast in each precinct.

Jurisdiction to
enforce certain
laws.

The supreme and district courts of said Territory shall have the same power to enforce the laws of the State of Nebraska hereby extended to and put in force in said Territory as courts of like jurisdiction have in said State;

—of county courts
and justices.

But county courts and justices of the peace shall have and exercise the jurisdiction which is authorized by said laws of Nebraska:

—limit of.

Provided, That the jurisdiction of justices of the peace in said Territory shall not exceed the sum of one hundred dollars, and county courts shall have jurisdiction in all cases where the sum or matter in demand exceeds the sum of one hundred dollars.

District court to
have jurisdiction
over controversies
between Indians
of different tribes.
1889, March 1,
ch. 333, note, *ante*,
p. 670.

SEC. 12. That jurisdiction is hereby conferred upon the district courts in the Territory of Oklahoma over all controversies arising between members or citizens of one tribe or nation of Indians and the members or citizens of other tribes or nations in the Territory of Oklahoma, and any citizen or member of one tribe or nation who may commit any offense or crime in said Territory against the person or property of a citizen or member of another tribe or nation shall be subject to the same punishment in the Territory of Oklahoma as he would be if both parties were citizens of the United States; and any person residing in the Territory of Oklahoma, in whom there is Indian blood, shall have the right to invoke the aid of courts therein for the protection of his person or property, as though he were a citizen of the United States: *Provided*, That nothing in this act contained shall be so construed as to give jurisdiction to the courts established in said Territory in controversies arising between Indians of the same tribe, while sustaining their tribal relations.

Attorney for
United States.
R. S., § 770.

SEC. 13. That there shall be appointed for said Territory a person learned in the law, who shall act as attorney for the United States, and shall continue in office for four years, and until his successor is appointed and qualified, unless sooner removed by the President. Said attorney shall receive a salary at the rate of two hundred and fifty dollars annually.

Marshal.
R. S., § 787.

There shall be appointed a marshal for said Territory, who shall hold his office for four years, and until his successor is appointed and qualified, unless sooner removed by the President, and who shall execute all process issuing from the said 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 same regulations and penalties imposed by law on the marshal of

the United States, and be entitled to a salary at the rate of two hundred dollars a year.

There shall be allowed to the attorney, marshal, clerks of the supreme and district courts the same fees as are prescribed for similar services by such persons in chapter sixteen, title Judiciary, of the Revised Statutes of the United States.

Fees of officers of courts.
R. S., §§ 823-857.

SEC. 14. That the governor, secretary, chief-justice, and associate justices, attorney, and marshal shall be nominated and, by and with the advice and consent of the Senate, appointed by the President of the United States.

Governor, judges, &c., how appointed.

The governor and Secretary to be appointed as aforesaid shall, before they act as such, respectively take an oath or affirmation before the district judge, or some justice of the peace, or other officer in the limits of said Territory duly authorized to administer oaths and affirmations by the laws now in force therein, or before the Chief-Justice or some associated 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, which said oaths, when so taken, shall be certified by the person by whom the same shall have been 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 in said Territory, before they act as such, shall take a like oath or affirmation before the said governor or secretary, or some judge or justice of the peace of the Territory, who may be duly commissioned and qualified, which said oath or affirmation shall be certified and transmitted by the person taking the same to the secretary, to be recorded by him as aforesaid, and afterwards the like oath or affirmation shall be taken, certified, and recorded in such manner and form as may be prescribed by law.

—how qualified.

The governor shall receive an annual salary of two thousand six hundred dollars as governor; the chief-justice and associate justices shall receive an annual salary of three thousand dollars, and the Secretary shall receive an annual salary of one thousand eight hundred dollars. The said salaries shall be payable quarter-yearly at the Treasury of the United States.

Salaries.

The members of the legislative assembly shall be entitled to receive four dollars each per day during their attendance at the sessions, and four dollars for each and every twenty miles traveled in going to and returning from said sessions, estimating the distance by the nearest traveled route.

Pay of members of legislature.

There shall be appropriated annually the sum of one thousand dollars, to be expended by the governor to defray the contingent expenses of the Territory.

Contingent expenses.

There shall also be appropriated annually a sufficient sum, to be expended by the secretary, and upon an estimate to be made by the Secretary of the Treasury of the United States, to defray the expenses of the legislative assembly, of the courts, of the printing of the laws, and other incidental expenses; and the secretary of the Territory shall annually account to the Secretary of the Treasury of the United States for the manner in which the aforesaid sum shall have been expended.

Expenses of legislative assembly, &c.

SEC. 15. That the legislative assembly of the Territory of Oklahoma shall hold its first session at Guthrie, in said Territory, at such time as the governor thereof shall appoint and direct;

Time of first session of legislature.

And at said first session, or as soon thereafter as they shall deem expedient, the governor and legislative assembly shall proceed to locate and establish the seat of government of said Territory at such place as they may deem eligible, which place, however, shall thereafter be subject to be changed by the said governor and legislative assembly.

Seat of government.

Delegate to Congress.
R. S., § 1861.

SEC. 16. That a Delegate to the House of Representatives of the United States, to serve during each Congress of the United States, may be elected by the voters qualified to elect members of the legislative assembly, who shall be entitled to the same rights and privileges as are exercised and enjoyed by the Delegates from the several other Territories of the United States in the said House of Representatives.

—election of.

The first election shall be held at such time and place, and be conducted in such manner as the governor shall appoint and direct, after at least sixty days' notice, to be given by proclamation, and at all subsequent elections the time, place, and manner of holding elections shall be prescribed by law. The person having the greatest number of votes of the qualified electors, as hereinbefore provided, shall be declared by the governor elected, and a certificate thereof shall be accordingly given.

National banks subject to general laws.

R. S., § 5133-5243.

1882, July 12,
—directors need not be residents.

R. S., § 5146.

Sections 16 and 36 reserved for schools.

R. S., § 1946.

1891, March 3,
ch. 543, §§ 18, 38,
post, pp. 929, 930.

Other lands to settlers on reserved sections.

SEC. 17. That the provisions of title sixty-two of the Revised Statutes of the United States relating to national banks, and all amendments thereto, shall have the same force and effect in the Territory of Oklahoma as elsewhere in the United States :

ch. 290, and note (2), ante, p. 354.

Provided, That persons otherwise qualified to act as directors shall not be required to have resided in said Territory for more than three months immediately preceding their election as such.

SEC. 18. That sections numbered sixteen and thirty-six in each township in said Territory shall be, and the same are hereby, reserved for the purpose of being applied to public schools in the State or States hereafter to be erected out of the same.

In all cases where sections sixteen and thirty-six, or either of them, are occupied by actual settlers prior to survey thereof, the county commissioners of the counties in which such sections are so occupied 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.

Public Land Strip.

Subject to homestead laws, except the right to purchase, &c.

R. S., § 2301.

1891, Feb. 28, ch. 384, post, p. 898.

All the lands embraced in that portion of the Territory of Oklahoma heretofore known as the Public Land Strip, shall be open to settlement under the provisions of the homestead laws of the United States, except section twenty-three hundred and one of the Revised Statutes, which shall not apply; but all actual and bona fide settlers upon and occupants of the lands in said Public Land Strip at the time of the passage of this act shall be entitled to have preference to and hold the lands upon which they have settled under the homestead laws of the United States, by virtue of their settlement and occupancy of said lands, and they shall be credited with the time they have actually occupied their homesteads, respectively, not exceeding two years, on the time required under said laws to perfect title as homestead settlers.

Settlement, &c., of certain other lands under former acts.

Creeks and Seminoles.

1889, Mar. 1, ch. 317 (25 Stat. L., 757).

1889, Mar. 2, ch. 412, §§ 12-14 (25 Stat. L., 1004).

The lands within said Territory of Oklahoma, acquired by cession of the Muscogee (or Creek) Nation of Indians, confirmed by act of Congress approved March first, eighteen hundred and eighty-nine, and also the lands acquired in pursuance of an agreement with the Seminole Nation of Indians by re-lease and conveyance, dated March sixteenth, eighteen hundred and eighty-nine, which may hereafter be open to settlement, shall be disposed of under the provisions of sections twelve, thirteen, and fourteen of the "Act making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June thirtieth, eighteen hundred and ninety, and for other purposes," approved March second, eighteen hundred and eighty-nine, and under section two of an "Act to ratify and confirm an agreement with the Muscogee (or Creek) Nation of

Indians in the Indian Territory, and for other purposes," approved March first, eighteen hundred and eighty-nine:

Provided, however, That each settler under and in accordance with the provisions of said acts shall, before receiving a patent for his homestead on the land hereafter opened to settlement as aforesaid, pay to the United States for the land so taken by him, in addition to the fees provided by law, the sum of one dollar and twenty-five cents per acre.

Whenever any of the other lands within the Territory of Oklahoma, now occupied by any Indian tribe, shall by operation of law or proclamation of the President of the United States, be open to settlement, they shall be disposed of to actual settlers only, under the provisions of the homestead law, except section twenty-three hundred and one of the Revised Statutes of the United States, which shall not apply:

Provided, however, That each settler, under and in accordance with the provisions of said homestead laws, shall before receiving a patent for his homestead pay to the United States for the land so taken by him, in addition to the fees provided by law, a sum per acre equal to the amount which has been or may be paid by the United States to obtain a relinquishment of the Indian title or interest therein, but in no case shall such payment be less than one dollar and twenty-five cents per acre.

The rights of honorably discharged soldiers and sailors in the late civil war, as defined and described in sections twenty-three hundred and four and twenty-three hundred and five of the Revised Statutes of the United States, shall not be abridged except as to such payment.

All tracts of land in Oklahoma Territory which have been set apart for school purposes, to educational societies, or missionary boards at work among the Indians, shall not be open for settlement, but are hereby granted to the respective educational societies or missionary boards for whose use the same has been set apart.

No part of the land embraced within the Territory hereby created shall inure to the use or benefit of any railroad corporation, except the rights of way and land for stations heretofore granted to certain railroad corporations. Nor shall any provision of this act or any act of any officer of the United States, done or performed under the provisions of this act or otherwise, invest any corporation owning or operating any railroad in the Indian Territory, or Territory created by this act, with any land or right to any land in either of said Territories, and this act shall not apply to or affect any land which, upon any condition on becoming a part of the public domain, would inure to the benefit of, or become the property of, any railroad corporation.

SEC. 19. That portion of the Territory of Oklahoma heretofore known as the Public Land Strip is hereby declared a public land district, and the President of the United States is hereby empowered to locate a land office in said district, at such place as he shall select, and to appoint in conformity with existing law a register and receiver of said land office. He may also, whenever he shall deem it necessary, establish another additional land district within said Territory, locate a land office therein, and in like manner appoint a register and receiver thereof.

And the Commissioner of the General Land Office shall, when directed by the President, cause the lands within the Territory to be properly surveyed and subdivided where the same has not already been done.

SEC. 20. That the procedure in applications, entries, contests, and adjudications in the Territory of Oklahoma shall be in form and manner prescribed under the homestead laws of the United States, and the general principles and provisions of the homestead laws, except as modified by the provisions of this act and the acts of Con-

Such settlers to pay additional fees.

Other Indian lands when open to settlement.

R. S. § 2301.
1891, March 3, ch. 543, § 16; ch. 561, § 6; post, pp. 929, 943.

Additional fee.

Soldiers' and sailors' rights.

R. S., §§ 2304, 2305.

School and missionary lands reserved.

Railroad corporations restricted as to land, &c.

Public Land Strip to be a land district, &c.

1889, March 3, ch. 412, § 15, ante, p. 699.

Survey, &c., of lands.

Homestead procedure.

1889, March 1, ch. 317; March 2, ch. 412, §§ 12-14 (25 Stat. L., 759, 1004).

1891, March 3, ch. 561, § 5, *post*, p. 942.

Lands selected to be in square form.

R. S., § 2289, as amended by 1891, March 3, ch. 561, § 5, *post*, p. 942.

Persons owning 160 acres not entitled.

Soldiers' and sailors' homesteads.

R. S., §§ 2304, 2305.

Homestead locations and entries.

1889, March 23, Proc. No. 2 (26 Stat. L., 1544).

Patent.

Fee.

Town sites.

R. S., §§ 2380-2394.

1877, Mar. 3, ch. 113, *ante*, p. 138.

1890, May 14, ch. 207, *post*, p. 739.

1891, March 3, ch. 543, § 17, *post*, p. 929.

Reservations for parks, schools, &c.

Homesteads required for town sites, &c.

Rights of bona fide occupants.

Distribution for school purposes.

Public highways, &c.

gress approved March first and second, eighteen hundred and eighty-nine, heretofore mentioned, shall be applicable to all entries made in said Territory, but no patent shall be issued to any person who is not a citizen of the United States at the time of making final proof.

All persons who shall settle on land in said Territory, under the provisions of the homestead laws of the United States, and of this act, shall be required to select the same in square form as nearly as may be;

And no person who shall at the time be seized in fee simple of a hundred and sixty acres of land in any State or Territory, shall hereafter be entitled to enter land in said Territory of Oklahoma.

The provisions of sections twenty-three hundred and four and twenty three hundred and five of the Revised Statutes of the United States shall, except so far as modified by this act, apply to all homestead settlements in said Territory.

SEC. 21. That any person, entitled by law to take a homestead in said Territory of Oklahoma, who has already located and filed upon, or shall hereafter locate and file upon, a homestead within the limits described in the President's proclamation of April first, eighteen hundred and eighty nine, and under and in pursuance of the laws applicable to the settlement of the lands opened for settlement by such proclamation, and who has complied with all the laws relating to such homestead settlement, may receive a patent therefor at the expiration of twelve months from date of locating upon said homestead upon payment to the United States of one dollar and twenty-five cents per acre for land embraced in such homestead.

SEC. 22. That the provisions of title thirty-two, chapter eight of the Revised Statutes of the United States relating to "reservation and sale of town sites on the public lands" shall apply to the lands open, or to be opened to settlement in the Territory of Oklahoma, except those opened to settlement by the proclamation of the President on the twenty-second day of April, eighteen hundred and eighty-nine:

Provided, That hereafter all surveys for town sites in said Territory shall contain reservations for parks (of substantially equal area if more than one park) and for schools and other public purposes, embracing in the aggregate not less than ten nor more than twenty acres; and patents for such reservations, to be maintained for such purposes, shall be issued to the towns respectively when organized as municipalities:

Provided further, That in case any lands in said Territory of Oklahoma, which may be occupied and filed upon as a homestead, under the provisions of law applicable to said Territory, by a person who is entitled to perfect his title thereto under such laws, are required for town site purposes, it shall be lawful for such person to apply to the Secretary of the Interior to purchase the lands embraced in said homestead or any part thereof for town-site purposes.

He shall file with the application a plat of such proposed town-site, and if such plat shall be approved by the Secretary of the Interior, he shall issue a patent to such person for land embraced in said town site, upon the payment of the sum of ten dollars per acre for all the lands embraced in such town site, except the lands to be donated and maintained for public purposes as provided in this section.

And the sums so received by the Secretary of the Interior shall be paid over to the proper authorities of the municipalities when organized, to be used by them for school purposes only.

SEC. 23. That there shall be reserved public highways four rods wide between each section of land in said Territory, the section lines being the center of said highways; but no deduction shall be made

where cash payments are provided for, in the amount to be paid for each quarter section of land by reason of such reservation. But if the said highway shall be vacated by any competent authority, the title to the respective strips shall inure to the then owner of the tract of which it formed a part by the original survey.

SEC. 24. That it shall be unlawful for any person, for himself or any company, association, or corporation, to directly or indirectly procure any person to settle upon any lands open to settlement in the Territory of Oklahoma with intent thereafter of acquiring title thereto; and any title thus acquired shall be void;

Fraudulent settlement void.

And the parties to such fraudulent settlement shall severally be guilty of a misdemeanor, and shall be punished upon indictment, by imprisonment not exceeding twelve months, or by a fine not exceeding one thousand dollars, or by both such fine and imprisonment, in the discretion of the court.

SEC. 25. That inasmuch as there is a controversy between the United States and the State of Texas as to the ownership of what is known as Greer County, it is hereby expressly provided that this act shall not be construed to apply to said Greer County until the title to the same has been adjudicated and determined to be in the United States; and in order to provide for a speedy and final judicial determination of the controversy aforesaid the Attorney-General of the United States is hereby authorized and directed to commence in the name and on behalf of the United States, and prosecute to a final determination, a proper suit in equity in the Supreme Court of the United States against the State of Texas, setting forth the title and claim of the United States to the tract of land lying between the North and South Forks of the Red River where the Indian Territory and the State of Texas adjoin, east of the one hundredth degree of longitude, and claimed by the State of Texas as within its boundary and a part of its land, and designated on its map as Greer County, in order that the rightful title to said land may be finally determined, and the court, on the trial of the case may, in its discretion, so far as the ends of justice will warrant, consider any evidence heretofore taken and received by the Joint Boundary Commission under the act of Congress approved January thirty-first, eighteen hundred and eighty-five; and said case shall be advanced on the docket of said court, and proceeded with to its conclusion as rapidly as the nature and circumstances of the case permit.

Greer County excepted from this act until title is adjudicated.

SEC. 26. [*Makes appropriations.*]

SEC. 27. That the provisions of this act shall not be so construed as to invalidate or impair any legal claims or rights of persons occupying any portion of said Territory, under the laws of the United States, but such claims shall be adjudicated by the Land Department, or the courts, in accordance with their respective jurisdictions.

Rights of occupants not impaired.

SEC. 28. That the Constitution and all the laws of the United States not locally inapplicable shall, except so far as modified by this act, have the same force and effect as elsewhere within the United States; and all acts and parts of acts in conflict with the provisions of this act are as to their effect in said Territory of Oklahoma hereby repealed:

Constitution and laws of United States made applicable.

R. S., § 1891.

Provided, That section eighteen hundred and fifty of the Revised Statutes of the United States shall not apply to the Territory of Oklahoma.

Laws of Territory not to be submitted to Congress.

R. S., § 1850.

SEC. 29. That all that part of the United States which is bounded on the north by the State of Kansas, on the east by the States of Arkansas and Missouri, on the south by the State of Texas, and on the west and north by the Territory of Oklahoma as defined in the first section of this act, shall, for the purposes of this act, be known as the Indian Territory;

Indian Territory defined.
19 Opins., 585.

Jurisdiction of United States court limited to Indian Territory. 1889, March 1, ch. 333, § 1, *ante*, p. 670.

— to extend to civil cases.

— tribal contracts, &c. 1889, March 1, ch. 333, § 6, *ante*, p. 671.

Terms of court. Divisions.

First division. 1889, March 1, ch. 333, § 7, *ante*, p. 672.

Second division.

Third division.

Assistant attorney.

Deputy clerks.

Terms of court.

Jurors. 1889, March 1, ch. 333, §§ 8, 13, *ante*, pp. 672, 673.

Prosecutions.

Civil suits.

And the jurisdiction of the United States court established under and by virtue of an act entitled "An act to establish a United States court in the Indian Territory, and for other purposes," approved March first, eighteen hundred and eighty-nine, is hereby limited to and shall extend only over the Indian Territory as defined in this section; that the court established by said act shall, in addition to the jurisdiction conferred thereon by said act, have and exercise within the limits of the Indian Territory jurisdiction in all civil cases in the Indian Territory, except cases over which the tribal courts have exclusive jurisdiction;

And in all cases on contracts entered into by citizens of any tribe or nations with citizens of the United States in good faith and for valuable consideration, and in accordance with the laws of such tribe or nation, and such contracts shall be deemed valid and enforced by such courts; and in all cases over which jurisdiction is conferred by this act or may hereafter be conferred by act of Congress; and the provisions of this act hereinafter set forth shall apply to said Indian Territory only.

SEC. 30. That for the purpose of holding terms of said court, said Indian Territory is hereby divided into three divisions, to be known as the first, second, and third division.

The first division shall consist of the country occupied by the Indian tribes in the Quapaw Indian Agency and all that part of the Cherokee country east of the ninety-sixth meridian and all of the Creek country; and the place for holding said court therein shall be at Muskogee.

The second division shall consist of the Choctaw country, and the place for holding said court therein shall be at South McAlister.

The third division shall consist of the Chickasaw and Seminole countries, and the place for holding said court therein shall be at Ardmore.

That the Attorney-General of the United States may, if in his judgment it shall be necessary, appoint an assistant attorney for said court.

And the clerk of said court shall appoint a deputy clerk in each of said divisions in which said clerk does not himself reside at the place in such division where the terms of said court are to be held. Such deputy clerk shall keep his office and reside at the place appointed for holding said court in the division of such residence, and shall keep the records of said court for such division, and in the absence of the clerk may exercise all the official powers of the clerk within the division for which he is appointed:

Provided, That the appointment of such deputies shall be approved by said United States court in the Indian Territory, and may be annulled by said court at its pleasure, and the clerk shall be responsible for the official acts and negligence of his respective deputies.

The judge of said court shall hold at least two terms of said court each year in each of the divisions aforesaid, at such regular times as said judge shall fix and determine, and shall be paid his actual traveling expenses and subsistence while attending and holding court at places other than Muskogee.

And jurors for each term of said court, in each division, shall be selected and summoned in the manner provided in said act, three jury commissioners to be selected by said court for each division, who shall possess all the qualifications and perform in said division all the duties required of the jury commissioners provided for in said act.

All prosecutions for crimes or offenses hereafter committed in said Indian Territory shall be cognizable within the division in which such crime or offense shall have been committed.

And all civil suits shall be brought in the division in which the defendant or defendants reside or may be found; but if there be two

or more defendants residing in different divisions, the action may be brought in any division in which either of the defendants resides or may be found.

And all cases shall be tried in the division in which the process is returnable as herein provided, unless said judge shall direct such case to be removed to one of the other divisions: Where triable, &c.

Provided, however, That the judicial tribunals of the Indian nations shall retain exclusive jurisdiction in all civil and criminal cases arising in the country in which members of the nation by nativity or by adoption shall be the only parties; and as to all such cases the laws of the State of Arkansas extended over and put in force in said Indian Territory by this act shall not apply. Jurisdiction of Indian judicial tribunals.

SEC. 31. That certain general laws of the State of Arkansas in force at the close of the session of the general assembly of that State of eighteen hundred and eighty-three, as published in eighteen hundred and eighty-four in the volume known as Mansfield's Digest of the Statutes of Arkansas, which are not locally inapplicable or in conflict with this act or with any law of Congress, relating to the subjects specially mentioned in this section, are hereby extended over and put in force in the Indian Territory until Congress shall otherwise provide, that is to say, the provisions of the said general statutes of Arkansas relating to administration, Laws of Arkansas applicable.

Chapter one, and the United States court in the Indian Territory herein referred to shall have and exercise the powers of courts of probate under said laws; to public administrators,

Chapter two, and the United States marshal of the Indian Territory shall perform the duties imposed by said chapter on the sheriffs in said State;

To arrest and bail, civil, chapter seven;

To assignment for benefit of creditors, chapter eight;

To attachments, chapter nine;

To attorneys at law, chapter eleven;

To bills of exchange and promissory notes, chapter fourteen;

To civil rights, chapter eighteen;

To common and statute law of England, chapter twenty;

To contempts, chapter twenty-six;

To municipal corporations, chapter twenty-nine, division one;

To costs, chapter thirty;

To descents and distributions, chapter forty-nine;

To divorce, chapter fifty-two, and said court in the Indian Territory shall exercise the powers of the circuit courts of Arkansas under this chapter;

To dower, chapter fifty-two;

To evidence, chapter fifty-nine;

To execution, chapter sixty;

To fees, chapter sixty-three;

To forcible entry and detainer, chapter sixty-seven;

To frauds, statute of, chapter sixty-eight;

To fugitives from justice, chapter sixty-nine;

To gaming contracts, chapter seventy;

To guardians, curators, and wards, chapter seventy-three, and said court in the Indian Territory shall appoint guardians and curators;

To habeas corpus, chapter seventy-four;

To injunction, chapter eighty-one;

To insane persons and drunkards, chapter eighty-two, and said court in the Indian Territory shall exercise the powers of the probate courts of Arkansas under this chapter;

To joint and several obligations and contracts, chapter eighty-seven;

To judgments and decrees, chapter eighty-eight;

To judgments summary, chapter eighty-nine;

To jury, chapter ninety;

To landlord and tenant, chapter ninety-two;
 To legal notices and advertisements, chapter ninety-four;
 To liens, chapter ninety-six;
 To limitations, chapter ninety-seven;
 To mandamus and prohibition, chapter one hundred;
 To marriage contracts, chapter one hundred and two;
 To marriages, chapter one hundred and three;
 To married women, chapter one hundred and four;
 To money and interest, chapter one hundred and nine;
 To mortgages, chapter one hundred and ten;
 To notaries public, chapter one hundred and eleven, and said court in the Indian Territory shall appoint notaries public under this chapter.

1889, March 1,
 ch. 333, § 6, *ante*,
 p. 672.

To partition and sale of lands, chapter one hundred and fifteen;
 To pleadings and practice, chapter one hundred and nineteen;
 To recorders, chapter one hundred and twenty-six;
 To replevin, chapter one hundred and twenty-eight;
 To venue, change of, chapter one hundred and fifty-three;
 And to wills and testaments, chapter one hundred and fifty-five;
 And wherever in said laws of Arkansas the courts of record of said State are mentioned the said court in the Indian Territory shall be substituted therefor;

And wherever the clerks of said courts are mentioned in said laws the clerk of said court in the Indian Territory and his deputies, respectively, shall be substituted therefor;

And wherever the sheriff of the county is mentioned in said laws the United States marshal of the Indian Territory shall be substituted therefor, for the purpose, in each of the cases mentioned, of making said laws of Arkansas applicable to the Indian Territory.

Improvements on tribal lands not attachable.

That no attachment shall issue against improvements on real estate while the title to the land is vested in any Indian nation, except where such improvements have been made by persons, companies, or corporations operating coal or other mines, railroads, or other industries under lease or permission of law of an Indian national council, or charter, or law of the United States.

Executions on judgments in other courts than Indian invalid, &c.

That executions upon judgments obtained in any other than Indian courts shall not be valid for the sale or conveyance of title to improvements, made upon lands owned by an Indian nation, except in the cases wherein attachments are provided for.

Judgment against adopted citizens, &c.

Upon a return of *nulla bona*, upon an execution upon any judgment against an adopted citizen of any Indian tribe, or against any person residing in the Indian country and not a citizen thereof, if the judgment debtor shall be the owner of any improvements upon real estate within the Indian Territory in excess of one hundred and sixty acres occupied as a homestead, such improvements may be subjected to the payment of such judgment by a decree of the court in which such judgment was rendered. Proceedings to subject such property to the payment of judgments may be by petition, of which the judgment debtor shall have notice as in the original suit. If on the hearing the court shall be satisfied from the evidence that the judgment debtor is the owner of improvements on real estate, subject to the payment of said judgment, the court may order the same sold, and the proceeds, or so much thereof as may be necessary to satisfy said judgment and costs, applied to the payment of said judgment; or if the improvement is of sufficient rental value to discharge the judgment within a reasonable time the court may appoint a receiver, who shall take charge of such property and apply the rental receipts thereof to the payment of such judgment, under such regulations as the court may prescribe. If under such proceeding any improvement is sold only citizens of the tribe in which said property is situate may become the purchaser thereof.

The Constitution of the United States and all general laws of the United States which prohibit crimes and misdemeanors in any place within the sole and exclusive jurisdiction of the United States, except in the District of Columbia, and all laws relating to national banking associations shall have the same force and effect in the Indian Territory as elsewhere in the United States;

But nothing in this act shall be so construed as to deprive any of the courts of the civilized nations of exclusive jurisdiction over all cases arising wherein members of said nations, whether by treaty, blood, or adoption, are the sole parties, nor so as to interfere with the right and power of said civilized nations to punish said members for violation of the statutes and laws enacted by their national councils where such laws are not contrary to the treaties and laws of the United States.

SEC. 32. That the word "county," as used in any of the laws of Arkansas which are put in force in the Indian Territory by the provisions of this act, shall be construed to embrace the territory within the limits of a judicial division in said Indian Territory; and whenever in said laws of Arkansas the word "county" is used, the words "judicial division" may be substituted therefor, in said Indian Territory, for the purposes of this act.

And whenever in said laws of Arkansas the word "State," or the words "State of Arkansas" are used, the word "Territory," or the words "Indian Territory," may be substituted therefor, for the purposes of this act, and for the purpose of making said laws of Arkansas applicable to the said Indian Territory;

But all prosecutions therein shall run in the name of the "United States."

SEC. 33. That the provisions of chapter forty-five of the said general laws of Arkansas, entitled "Criminal law", except as to the crimes and misdemeanor mentioned in the provisos to this section, and the provisions of chapter forty-six of said general laws of Arkansas, entitled "Criminal Procedure," as far as they are applicable, are hereby extended over and put in force in the Indian Territory, and jurisdiction to enforce said provisions is hereby conferred upon the United States court therein:

Provided, That in all cases where the laws of the United States and the said criminal laws of Arkansas have provided for the punishment of the same offenses the laws of the United States shall govern as to such offenses:

And provided further, That the United States circuit and district courts, respectively, for the western district of Arkansas and the eastern district of Texas, respectively, shall continue to exercise exclusive jurisdiction as now provided by law in the Indian Territory as defined in this act, in their respective districts as heretofore established, over all crimes and misdemeanors against the laws of the United States applicable to the said Territory, which are punishable by said laws of the United States by death or by imprisonment at hard labor, except as otherwise provided in the following sections of this act.

SEC. 34. That original jurisdiction is hereby conferred upon the United States court in the Indian Territory to enforce the provisions of title twenty-eight, chapters three and four, of the Revised Statutes of the United States in said Territory, except the offenses defined and embraced in sections twenty-one hundred and forty-two and twenty-one hundred and forty-three:

Provided, That as to the violations of the provisions of section twenty-one hundred and thirty-nine of said Revised Statutes, the jurisdiction of said court in the Indian Territory shall be concurrent with the jurisdiction exercised in the enforcement of such provisions by the United States courts for the western district of Arkansas and the eastern district of Texas:

Constitution and criminal laws of United States applicable.

R. S., §§ 1891, 5133-5243, 5339-5391.

Suits between Indians.

Punishment of Indians violating Indian laws.

R. S., § 2146.

1889, Mar. 1, ch. 333, § 27, *ante*, p. (7).

"County" to mean "judicial division."

"State" to mean "Territory," &c.

Prosecutions in name of U. S.

Arkansas criminal law made applicable.

—unless conflicting with those of U. S.

Jurisdiction in criminal cases punishable by death or imprisonment at hard labor.

Original jurisdiction, protection, &c., of Indians.

R. S., §§ 2118-2157.

Concurrent jurisdiction, liquor selling, &c.

R. S., § 2139.

Pending prosecutions.

Provided, That all violations of said chapters three and four, prior to the passage of this act, shall be prosecuted in the said United States courts, respectively, the same as if this act had not been passed.

Exclusive original jurisdiction.
R. S., §§ 5392—5412.

SEC. 35. That exclusive original jurisdiction is hereby conferred upon the United States court in the Indian Territory to enforce the provisions of chapter four, title seventy, of the Revised Statutes of the United States entitled "Crimes against justice," in all cases where the crimes mentioned therein are committed in any judicial proceeding in the Indian Territory and where such crimes affect or impede the enforcement of the laws in the courts established in said Territory:

Pending prosecutions.

Provided, That all violations of the provisions of said chapter prior to the passage of this act shall be prosecuted in the United States courts for the western district of Arkansas and the eastern district of Texas, respectively, the same as if this act had not been passed.

Jurisdiction over controversies between Indians of different tribes.

SEC. 36. That jurisdiction is hereby conferred upon the United States court in the Indian Territory over all controversies arising between members or citizens of one tribe or nation of Indians and the members or citizens of other tribes or nations in the Indian Territory, and any citizen or member of one tribe or nation who may commit any offense or crime against the person or property of a citizen or member of another tribe or nation shall be subject to the same punishment in the Indian Territory as he would be if both parties were citizens of the United States.

And any member or citizen of any Indian tribe or nation in the Indian Territory shall have the right to invoke the aid of said court therein for the protection of his person or property as against any person not a member of the same tribe or nation, as though he were a citizen of the United States.

Lotteries, &c., prohibited.

1890, Sept. 19, ch. 908, *post*, p. 803.

SEC. 37. That if any person shall, in the Indian Territory, open, carry on, promote, make or draw, publicly or privately, any lottery, or scheme of chance of any kind or description, by whatever name, style or title the same may be denominated or known, or shall, in said Territory, vend, sell, barter or dispose of any lottery ticket or tickets, order or orders, device or devices, of any kind, for, or representing any number of shares or any interest in any lottery or scheme of chance, or shall open or establish as owner or otherwise any lottery or scheme of chance in said Territory, or shall be in any wise concerned in any lottery or scheme of chance, by acting as owner or agent in said Territory, for or on behalf of any lottery or scheme of chance, to be drawn, paid or carried on, either out of or within said Territory,

—punishment.

Every such person shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be fined for the first offense, not exceeding five hundred dollars, and for the second offense shall, on conviction, be fined not less than five hundred dollars and not exceeding five thousand, and he may be imprisoned, in the discretion of the court, not exceeding one year.

—jurisdiction, to enforce.

And jurisdiction to enforce the provisions of this section is hereby conferred upon the United States court in said Indian Territory, and all persons therein, including Indians and members and citizens of Indian tribes and nations, shall be subject to its provisions and penalties.

Marriages by clerks of courts.

1887, March 3, ch. 397, §§ 9, 10, *ante*, p. 569.

SEC. 38. The clerk and deputy clerks of said United States court shall have the power within their respective divisions to issue marriage licenses or certificates and to solemnize marriages. They shall keep copies of all marriage licenses or certificates issued by them, and a record book in which shall be recorded all licenses or certificates after the marriage has been solemnized, and all persons authorized by law to solemnize marriages shall return the license or certificate, after executing the same, to the clerk or deputy clerk who issued it, together with his return thereon.

They shall also be ex-officio recorders within their respective divisions, and as such they shall perform such duties as are required of recorders of deeds under the said laws of Arkansas, and receive the fees and compensation therefor which are provided in said laws of Arkansas for like service:

Clerks to be recorders of deeds.

Provided, That all marriages heretofore contracted under the laws or tribal customs of any Indian nation now located in the Indian Territory are hereby declared valid, and the issue of such marriages shall be deemed legitimate and entitled to all inheritances of property or other rights, the same as in the case of the issue of other forms of lawful marriage:

Tribal marriages valid, issue legitimate.

Provided further, That said chapter one hundred and three of said laws of Arkansas shall not be construed so as to interfere with the operation of the laws governing marriage enacted by any of the civilized tribes, nor to confer any authority upon any officer of said court to unite a citizen of the United States in marriage with a member of any of the civilized nations until the preliminaries to such marriage shall have first been arranged according to the laws of the nation of which said Indian person is a member:

—not to be governed by Arkansas laws.

And provided further, That where such marriage is required by law of an Indian nation to be of record, the certificate of such marriage shall be sent for record to the proper officer, as provided in such law enacted by the Indian nation.

—to be recorded according to Indian laws.

SEC. 39. That the United States court in the Indian Territory shall have all the powers of the United States circuit courts or circuit court judges to appoint commissioners within said Indian Territory, who shall be learned in the law, and shall be known as United States commissioners; but not exceeding three commissioners shall be appointed for any one division, and such commissioners when appointed shall have, within the district to be designated in the order appointing them, all the powers of commissioners of circuit courts of the United States.

United States commissioners, appointment and powers. R. S., §§ 627, 1014.

They shall be ex officio notaries public, and shall have power to solemnize marriages.

—to be notaries, and may solemnize marriage. —to be justices of the peace.

The provisions of chapter ninety-one of the said laws of Arkansas, regulating the jurisdiction and procedure before justices of the peace, are hereby extended over the Indian Territory;

And said commissioners shall exercise all the powers conferred by the laws of Arkansas upon justices of the peace within their districts; but they shall have no jurisdiction to try any cause where the value of the thing or the amount in controversy exceeds one hundred dollars.

—jurisdiction.

Appeals may be taken from the final judgment of said commissioners to the United States court in said Indian Territory in all cases and in the same manner that appeals may be taken from the final judgments of justices of the peace under the provisions of said chapter ninety-one.

—appeals from.

The said court may appoint a constable for each of the commissioner's districts designated by the court, and the constable so appointed shall perform all the duties required of constables under the provision of chapter twenty-four and other laws of the State of Arkansas.

Constables.

Each commissioner and constable shall execute to the United States, for the security of the public, a good and sufficient bond, in the sum of five thousand dollars, to be approved by the judge appointing him, conditioned that he will faithfully discharge the duties of his office and account for all moneys coming into his hands, and he shall take an oath to support the Constitution of the United States and to faithfully perform the duties required of him.

—and commissioners to give bonds and take oath.

The appointments of United States commissioners by said court held at Muscogee, in the Indian Territory, heretofore made, and all acts in pursuance of law and in good faith performed by them, are hereby ratified and validated.

Existing appointments of commissioners ratified.

Arrest, &c., for crimes and offenses.

SEC. 40. That persons charged with any offense or crime in the Indian Territory and for whose arrest a warrant has been issued, may be arrested by the United States marshal or any of his deputies, wherever found in said Territory, but in all cases the accused shall be taken, for preliminary examination, before the commissioner in the judicial division whose office or place of business is nearest by the route usually traveled to the place where the offense or crime was committed; but this section shall apply only to crimes or offenses over which the courts located in the Indian Territory have jurisdiction:

Warrant for removal.
R. S., § 1014.

Provided, That in all cases where persons have been brought before a United States commissioner in the Indian Territory for preliminary examination, charged with the commission of any crime therein, and where it appears from the evidence that a crime has been committed, and that there is probable cause to believe the accused guilty thereof, but that the crime is one over which the courts in the Indian Territory have no jurisdiction, the accused shall not, on that account, be discharged, but the case shall be proceeded with as provided in section ten hundred and fourteen of the Revised Statutes of the United States.

Extradition of fugitives from justice.

1888, June 4, ch. 343, *ante*, p. 588.

SEC. 41. That the judge of the United States court in the Indian Territory shall have the same power to extradite persons who have taken refuge in the Indian Territory, charged with crimes in the States or other Territories of the United States, that may now be exercised by the governor of Arkansas in that State, and he may issue requisitions upon governors of States and other Territories for persons who have committed offenses in the Indian Territory, and who have taken refuge in such States or Territories.

Appeals from U. S. court.

1889, March 2, ch. 333, § 6, *ante*, p. 672. 1891, Mar. 3, ch. 517, § 13, *post*, p. 905.

SEC. 42. That appeals and writs of error may be taken and prosecuted from the decisions of the United States court in the Indian Territory 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, except as otherwise provided in this act.

Naturalization of Indians.

R. S., §§ 2165-2172.

1887, Feb. 8, ch. 119, § 6, *ante*, p. 536.

SEC. 43. That any member of any Indian tribe or nation residing in the Indian Territory may apply to the United States court therein to become a citizen of the United States, and such court shall have jurisdiction thereof and shall hear and determine such application as provided in the statutes of the United States;

Certain Peoria Indians declared to be citizens.

1887, Feb. 8, ch. 119, § 5, *ante*, p. 535.

And the Confederated Peoria Indians residing in the Quapaw Indian Agency, who have heretofore or who may hereafter accept their land in severalty under any of the allotment laws of the United States, shall be deemed to be, and are hereby, declared to be citizens of the United States from and after the selection of their allotments, and entitled to all the rights, privileges, and benefits as such, and parents are hereby declared from that time to have been and to be the legal guardians of their minor children without process of court:

Indian rights not forfeited by citizenship.

Provided, That the Indians who become citizens of the United States under the provisions of this act do not forfeit or lose any rights or privileges they enjoy or are entitled to as members of the tribe or nation to which they belong.

SEC. 44. [*Makes appropriation.*] [May 2, 1890.]

May 14, 1890.

26 Stat. L., 106.

Missouri—district and circuit courts.

CHAP. 202.—An act to amend section three of an act entitled "An act to amend the act dividing the State of Missouri into two judicial districts, and for other purposes."

Be it enacted, &c., That section three of the above-entitled act is hereby amended by striking out the words beginning with the word "except," in the third line, and including the word "created," in the fifth line; also the words beginning with the word "except,"

in the seventh line, and including the word "year," in the eighth line, and also the words beginning with the word "that," in the fifteenth line, and including the word "proceedings," in the twenty-second line, so that when amended it shall read as follows:

"SEC. 3. That there shall be, and there are hereby, established a district and circuit court of the United States in each of the several divisions of the said eastern and western districts herein created.

That in each division there shall be held two terms of the district and circuit courts in each and every year.

The time of holding said terms of court in the city of Saint Louis, in the city of Kansas City, and the city of Jefferson shall be held at the time now established by law,

And in the other divisions herein named the time of holding said terms of court shall be at the city of Hannibal on the first Monday in May and November;

At the city of Saint Joseph on the first Monday in April and October;

At the city of Springfield on the first Monday in February and August.

The district judges for the eastern and western districts of Missouri, each in the divisions of the proper district, and the circuit judge of the United States for the eighth judicial circuit, are hereby required to hold the courts aforesaid.

Juries shall be summoned for the courts hereby created as now provided by law for the summoning of juries in the said districts, and whenever the circuit and district courts in either of said districts or divisions shall be held at the same time and place, jurors shall not be summoned for each of said courts, but for both said courts, and they shall act accordingly as grand and petit jurors for both said courts." [May 14, 1890.]

Substitute for
1887, Feb. 28,
ch. 271, § 3, *ante*,
p. 544, and 24
Stat. L., 425.

1890, Aug. 29,
ch. 818, *post*, p.
790.

Terms.

St. Louis.
Kansas City.
Jefferson City.

Hannibal.

St. Joseph.

Springfield.

Assignment of
judges.

Juries.

CHAP. 207.—An act to provide for town site entries of lands in what is known as "Oklahoma," and for other purposes.

May 14, 1890.

26 Stat. L., 109.

Be it enacted, &c., That so much of the public lands situate in the Territory of Oklahoma, now open to settlement, as may be necessary to embrace all the legal subdivisions covered by actual occupancy for purposes of trade and business, not exceeding twelve hundred and eighty acres in each case, may be entered as town-sites, for the several use and benefit of the occupants thereof, by three trustees to be appointed by the Secretary of the Interior for that purpose, such entry to be made under the provisions of section twenty-three hundred and eighty-seven of the Revised Statutes as near as may be; and when such entry shall have been made, the Secretary of the Interior shall provide regulations for the proper execution of the trust, by such trustees including the survey of the land into streets, alleys, squares, blocks, and lots when necessary, or the approval of such survey as may already have been made by the inhabitants thereof, the assessment upon the lots of such sum as may be necessary to pay for the lands embraced in such town-site, costs of survey, conveyance of lots, and other necessary expenses, including compensation of trustees:

Oklahoma Territory, public lands may be entered for town sites by trustees appointed by Secretary of Interior.
R. S., § 2390-2394.

1890, May 2, ch. 182, § 22, *ante*, p. 730.

Provided, That the Secretary of the Interior may when practicable cause more than one town site to be entered and the trust thereby created executed in the manner herein provided by a single board of trustees, but not more than seven boards of trustees in all shall be appointed for said Territory, and no more than two members of any of said boards shall be appointed from one political party.

One board of trustees may enter more than one town-site.

Certificate issued by recognized authority to be taken as evidence of occupancy.

SEC. 2. That in the execution of such trust, and for the purpose of the conveyance of title by said trustees, any certificate or other paper evidence of claim duly issued by the authority recognized for such purpose by the people residing upon any town site the subject of entry hereunder, shall be, taken as evidence of the occupancy by the holder thereof of the lot or lots therein described, except that where there is an adverse claim to said property such certificate shall only be prima facie evidence of the claim of occupancy of the holder:

No validity to claims now invalid.

Provided, That nothing in this act contained shall be so construed as to make valid any claim now invalid of those who entered upon and occupied said lands in violation of the laws of the United States or the proclamation of the President thereunder:

Certificates not evidence in favor of claimants who violated law, &c., by entry.

Provided further, That the certificates hereinbefore mentioned shall not be taken as evidence in favor of any person claiming lots who entered upon said lots in violation of law or the proclamation of the President thereunder.

Church lots.

SEC. 3. That lots of land occupied by any religious organization, incorporated or otherwise, conforming to the approved survey within the limits of such town-site, shall be conveyed to or in trust for the same.

Remaining lots to be sold.

SEC. 4. That all lots not disposed of as hereinbefore provided for shall be sold under the direction of the Secretary of the Interior for the benefit of the municipal government of any such town, or the same or any part thereof may be reserved for public use as sites for public buildings, or for the purpose of parks, if in the judgment of the Secretary such reservation would be for the public interest, and the Secretary shall execute proper conveyances to carry out the provisions of this section.

—or reserved for public use.

Kansas town-site law to govern trustees.

SEC. 5. That the provisions of sections four, five, six and seven, of an act of the legislature of the State of Kansas, entitled "An act relating to town-sites," approved March second, eighteen hundred and sixty-eight, shall, so far as applicable, govern the trustees in the performance of their duties hereunder.

Pending entries to have preference and speedy determination.

SEC. 6. That all entries of town-sites now pending on application hereafter made under this act, shall have preference at the local land office of the ordinary business of the office and shall be determined as speedily as possible,

Appeals to be made special.

And if an appeal shall be taken from the decision of the local office in any such case to the Commissioner of the General Land Office, the same shall be made special, and disposed of by him as expeditiously as the duties of his office will permit, and so if an appeal should be taken to the Secretary of the Interior.

Pending applications to be prosecuted to final issue.

And all applications heretofore filed in the proper land office shall have the same force and effect as if made under the provisions of this act, and upon the application of the trustees herein provided for, such entries shall be prosecuted to final issue in the names of such trustees, without other formality and when final entry is made the title of the United States to the land covered by such entry shall be conveyed to said trustees for the uses and purposes herein provided.

Authority and duty of trustees.

SEC. 7. That the trustees appointed under this act shall have the power to administer oaths, to hear and determine all controversies arising in the execution of this act shall keep a record of their proceedings, which shall, with all papers filed with them and all evidence of their official acts, except conveyances, be filed in the General Land Office and become part of the records of the same, and all conveyances executed by them shall be acknowledged before an officer duly authorized for that purpose.

Compensation and expenses.

They shall be allowed such compensation as the Secretary of the Interior may prescribe, not exceeding ten dollars per day while actually employed; and such traveling and other necessary expenses as the Secretary may authorize and the Secretary of the Interior shall

also provide them with necessary clerical force by detail or otherwise.

SEC. 8. That the sum of ten thousand dollars or so much thereof as may be necessary is hereby appropriated to carry into effect the provisions of this act, except that no portion of said sum shall be used in making payment for land entered hereunder, and the disbursements therefrom shall be refunded to the Treasury from the sums which may be realized from the assessments made to defray the expense of carrying out the provisions of this act. [May 14, 1890.]

Appropriation.

CHAP. 215.—An act to establish two additional land districts in the State of Washington.

May 16, 1890.

Be it enacted, &c., That all that portion of the State of Washington bounded and described as follows: Commencing at a point on the western coast of the State of Washington, where the line between townships fourteen and fifteen north of the base-line intersects said coast; thence east along said line between townships fourteen and fifteen to the summit of the Cascade range of mountains; thence north along the summit of said range to a point where the fifth standard parallel, if projected, would intersect said range; thence west along said fifth standard parallel to the Willamette principal meridian; thence north along said meridian to the northeast corner of township twenty-four north of range one west; thence west along the line between townships twenty-four and twenty-five when extended to the Pacific Ocean; thence south along the western coast of the State to the place of beginning, be, and the same is hereby, constituted a new land district, to be called the Chehalis land district of the State of Washington, and the land office for said district shall be located at the city of Olympia.

26 Stat. L., 113.
State of Wash-
ington.
Land districts.
Chehalis dis-
trict.
R. S., § 2256.
1876, Aug. 15,
ch. 307, ante, p.
123.
1880, June 16,
ch. 242, ante, p.
300.

Office at Olym-
pia.

SEC. 2. That all that portion of the State of Washington beginning at a point on the northern boundary of the State where the Columbia guide meridian, when projected, will intersect the said northern boundary of the State; thence west along said northern boundary to a point where the same intersects the summit of the Cascade range of mountains; thence south along the summit of said Cascade range to a point where the fifth standard parallel north when projected will intersect said range; thence east along said fifth standard parallel to the intersection thereof with the Columbia guide meridian, between ranges thirty and thirty-one east; thence north following said guide meridian to the place of beginning, be, and the same is hereby, constituted a new land district, to be called the Columbia land district in the State of Washington, and the land office for said district shall be located at the town of Waterville.

Columbia dis-
trict.

Office at Water-
ville.

SEC. 3. That the President, by and with the advice and consent of the Senate, is hereby authorized to appoint a register and receiver for each of said land districts hereby created, who shall reside at the places where their respective land offices are located, and who shall have the same authority and shall perform the same and similar duties, and receive the same fees, emoluments, and compensation as registers and receivers discharging like duties in other land offices in the State of Washington, and said land district shall be subject as other land districts are under the laws to be changed or consolidated with any other land district or districts, and the said land offices may be changed to any other location by order of the President. [May 16, 1890.]

Registers and
receivers.

May 20, 1890.

26 Stat. L., 115.

Michigan:—Cheboygan, Manistee, and Ludington, ports of delivery. Substitute for R. S., § 2599, par. 1.

CHAP. 233.—An act to amend section twenty-five hundred and ninety-nine of the Revised Statutes of the United States, designating ports of delivery in the District of Michigan.

Be it enacted, &c., That subsection first of section twenty-five hundred and ninety-nine of the Revised Statutes of the United States be so amended as to read as follows:

“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 forty-three from township numbered forty-four north of the base line of the State, except the territory bordering on Green Bay, and including the Island of Bois Blanc; in which Grand Haven shall be the port of entry, and Cheboygan, Manistee, and Ludington ports of delivery.” [May 20, 1890.]

May 21, 1890.

26 Stat. L., 116.

Census mail matter.

Free transportation by registered mail.

1889, March 1, ch. 319, § 7, ante, p. 655.

Private use of registration mark a misdemeanor.

CHAP. 234.—An act authorizing the registration of Census mail matter.

Be it enacted, &c., That all mail-matter, of whatever class, relative to the census and addressed to the Census Office, to the Superintendent of Census, his chief clerk, supervisors, or enumerators, and indorsed “Official business, Department of the Interior, Census Office, Registered,” shall be transported free by registered mail; and if any person shall make use of any such mark of registration to avoid the payment of any registry fee on his private letter, package, or other matter in the mail, the person so offending shall be deemed guilty of a misdemeanor and subject to a fine of three hundred dollars, to be prosecuted in any court of competent jurisdiction [May 21, 1880.]

May 24, 1890.

26 Stat. L., 120.

Canadian vessels may aid vessels disabled, &c., in waters contiguous to United States, etc.

Substitute for 1878, June 19, ch. 324 (20 Stat. L., 175).

Act takes effect on proclamation by President.

—to apply to certain canals, &c.

Not to apply after reciprocity has ceased.

CHAP. 292.—An act to amend an act entitled “An act to aid vessels wrecked or disabled in the waters conterminous to the United States and the Dominion of Canada,” approved June nineteenth, eighteen hundred and seventy-eight.

Be it enacted, &c., That an act entitled “An act to aid vessels wrecked or disabled in the waters conterminous to the United States and the Dominion of Canada,” approved June nineteenth, eighteen hundred and seventy-eight, be, and the same is hereby, amended so that the same will read as follows:

“That Canadian vessels and wrecking appurtenance may render aid and assistance to Canadian or other vessels and property wrecked, disabled, or in distress in the waters of the United States contiguous to the Dominion of Canada:

Provided, That this act shall not take effect until proclamation by the President of the United States that the privilege of aiding American or other vessels and property wrecked, disabled, or in distress in Canadian waters contiguous to the United States has been extended by the Government of the Dominion of Canada to American vessels and wrecking appliances of all descriptions.

This act shall be construed to apply to the Welland Canal, the canal and improvement of the waters between Lake Erie and Lake Huron, and to the waters of the Saint Mary's River and canal:

And provided further, That this act shall cease to be in force from and after the date of the proclamation of the President of the United States to the effect that said reciprocal privilege has been withdrawn, revoked, or rendered inoperative by the said Government of the Dominion of Canada.” [May 24, 1890.]

CHAP. 355.—An act to amend section twenty-two hundred and ninety-four of the Revised Statutes of the United States, and for other purposes.

May 26, 1890.

26 Stat. L., 121.

Public lands.

Be it enacted, &c., That section twenty-two hundred and ninety-four of the Revised Statutes be, and the same is hereby, amended so that it will read as follows:

SEC. 2294. In any case in which the applicant for the benefit of the homestead, (1) pre-emption, timber culture, or desert land law is prevented, by reason of distance, bodily infirmity, or other good cause, from personal attendance at the district land office, he or she may make the affidavit required by law before any commissioner of the United States circuit court or the clerk of a court of record for the county in which the land is situated, and transmit the same, with the fee and commissions to the register and receiver.

Affidavit of entryman before U. S. commissioner or clerk of court. *Substitute for R. S., § 2294.*

“That the proof of settlement, residence, occupation, cultivation, irrigation, or reclamation, the affidavit of non-alienation, the oath of allegiance, and all other affidavits required to be made under the homestead, pre-emption, timber culture, and desert land laws, may be made before any commissioner of the United States circuit court, or before the judge or clerk of any court of record of the county or parish in which the lands are situated; and the proof, affidavit, and oath, when so made and duly subscribed, shall have the same force and effect as if made before the register and receiver, when transmitted to them, with the fee and commissions allowed and required by law.

Proof of residence, &c. R. S., § 2291. 1877, March 3, ch. 122, *ante*, p. 148. 1879, March 3, ch. 193, *ante*, p. 256. 1880, June 9, ch. 164, *ante*, p. 291.

That if any witness making such proof, or any applicant making such affidavit or oath, shall knowingly, willfully, and corruptly swear falsely to any material matter contained in said proofs, affidavits, or oaths, he shall be deemed guilty of perjury, and shall be liable to the same pains and penalty as if he had sworn falsely before the register.

Penalty for false swearing. 1891, March 3, ch. 561, § 5, *post*, p. 942.

That the fees for entries and for final proofs, when made before any other officer than the register and receiver shall be as follows:

Fees for affidavits and depositions.

“For each affidavit, twenty-five cents.

“For each deposition of claimant or witness, when not prepared by the officer, twenty-five cents.

“For each deposition of claimant or witness prepared by the officer one dollar.

“Any officer demanding or receiving a greater sum for such service shall be guilty of a misdemeanor, and, upon conviction, shall be punished for each offense by a fine not exceeding one hundred dollars.” [May 26, 1890.]

Penalty for excessive fees.

NOTE.—(1) Pre-emption and timber culture laws repealed by 1891, March 3, ch. 561, §§ 1, 4, *post*, pp. 940, 942.

CHAP. 389.—An act for the relief of holders of District of Columbia special assessment certificates, and for other purposes.

June 2, 1890.

26 Stat. L., 124.

Be it enacted, &c., That the Commissioners of the District of Columbia and their successors are hereby authorized and directed to receive and audit all claims that may be presented to them by holders of special assessment lien certificates, scrip, or stock issued by the government of the District of Columbia or former municipal corporations in said District, whether on account of paving or other special or local improvements or general taxes, in cases where the security for the payment of such certificates, scrip, or stock has been impaired or destroyed by action of Congress, the courts, the government of the District of Columbia, or former municipal corporations in said District, or where such certificates, scrip, or stock has been issued upon property exempt by law from tax, or are or hereafter may become, from such or any cause, not enforceable against the property in respect of which they were issued.

District of Columbia. Special assessment lien certificate claims, &c., to be audited. R. S. of D. C., §§ 150, 151. 1878, May 28, ch. 145, *ante*, p. 166. 1889, Feb. 12, ch. 133, *ante*, p. 642.

Commissioners to determine claims.

Drawback certificates to issue.

Receivable for general tax arrears.

And said Commissioners and their successors are hereby authorized to hear and determine all such claims, and to issue to the person or persons found entitled to the relief thereon drawback certificates for the amounts respectively found to be due them on such certificates, scrip, or stock, including interest thereon as therein specified, to the date of this act.

SEC. 2. That the drawback certificates herein provided for shall be receivable for all arrears of general taxes due and unpaid on and prior to the thirtieth day of June next preceding the issue thereof. [June 2, 1890.]

June 9, 1890.

CHAP. 403.—An act to fix the time and places for holding Federal courts in the district of Kansas.

26 Stat. L., 129.
Kansas judicial district divided.
R. S., § 531.

Second division.

Be it enacted, &c., That the judicial district of Kansas is hereby divided into two divisions, which shall be known, respectively, as the first division and the second division of the district of Kansas.

The second division shall include the counties of Cowley, Butler, Harvey, McPherson, Rice, Ellsworth, Barton, Rush, Ness, Lane, Scott, Wichita, Greeley, Hamilton, Kearney, Finney, Garfield, Hodgeman, Pawnee, Stafford, Reno, Kingman, Pratt, Kiowa, Edwards, Ford, Gray, Haskell, Grant, Stanton, Morton, Sedgwick, Stevens, Seward, Meade, Clark, Comanche, Harper, Barber, and Sumner,

—terms of court.
R. S., §§ 572, 658.

And a term of the circuit and district courts for said district shall be held therein at the city of Wichita on the first Monday of March and the second Monday of September of each year.

First division.
1879, Mar. 3, ch. 177, *ante*, p. 245.
1888, Aug. 9, ch. 817, *ante*, p. 608.

Jurisdiction, &c.

The remaining counties embraced in the district of Kansas shall constitute the first division thereof, and the terms of the circuit and district court for said district shall be held therein at the time and places now prescribed by law.

SEC. 2. That all civil suits not of a local character which shall be hereafter brought in either of said divisions against a single defendant, or where all the defendants reside in the same division of said district, shall be brought in the division in which the defendant or defendants reside, but if there are two or more defendants residing in different divisions such suit may be brought in either division, and all mesne and final process subject to the provisions of this act, issued in either of said divisions, may be served and executed in either or both of the divisions.

Deputy clerks.

SEC. 3. That the clerks of the circuit and district courts for said district shall each appoint a deputy clerk at the city of Wichita, each of whom shall, in the absence of the clerk, exercise all the powers and perform all the duties of clerk within the division for which he shall be appointed:

—subject to judicial approval.

Provided, That the appointment of such deputies shall be approved by the court for which they shall be respectively appointed, and they may be removed by such court at pleasure; and the clerk shall be responsible for the official acts and neglects of all such deputies.

SEC. 4. [*Relates to pending cases.*] [June 9, 1890.]

June 10, 1890.

CHAP. 407.—An act to simplify the laws in relation to the collection of the revenues.

26 Stat. L., 181.
Consignee deemed owner of imported merchandise.

1887, Feb. 23, ch. 221, *ante*, p. 542.

Be it enacted, &c., That all merchandise imported into the United States shall, for the purpose of this act, be deemed and held to be the property of the person to whom the merchandise may be consigned;

But the holder of any bill of lading consigned to order and indorsed by the consignor shall be deemed the consignee thereof;

Holder of bill of lading deemed consignee.

And in case of the abandonment of any merchandise to the underwriters the latter may be recognized as the consignee.

Underwriters.

SEC. 2. That all invoices of imported merchandise shall be made out in the currency of the place or country from whence the importations shall be made or if purchased in the currency actually paid therefor, shall contain a correct description of such merchandise, and shall be made in triplicate or in quadruplicate in case of merchandise intended for immediate transportation without appraisal, and signed by the person owning or shipping the same, if the merchandise has been actually 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.

Invoices, how made out.

SEC. 3. That all such invoices shall, at or before the shipment of the merchandise, be produced to the consul, viceconsul, or commercial agent of the United States of the consular district in which the merchandise was manufactured or purchased as the case may be, for export to 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 correct and true, and was made at the place from which the merchandise is to be exported to the United States;

—to be produced to consul; how indorsed.

That it contains, if the merchandise was obtained by purchase, a true and full statement of the time when, the place where, the person from whom the same was purchased, and the actual cost thereof and of all charges thereon, as provided by this act; and that no discounts, bounties, or drawbacks are contained in the invoice but such as have been actually allowed thereon;

—to contain statement of purchase and cost.

And when obtained in any other manner than by purchase, the actual market value or wholesale price thereof at the time of exportation to the United States in the principal markets of the country from whence exported; that such actual market value is the price at which the merchandise described in the invoice is freely offered for sale to all purchasers in said markets, and that it is the price which the manufacturer or owner making the declaration would have received, and was willing to receive, for such merchandise sold in the ordinary course of trade, in the usual wholesale quantities, and that it includes all charges thereon as provided by this act; and 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.

—or market value.

If the merchandise was actually purchased, the declaration shall also contain a statement that the currency in which such invoice is made out is that which was actually paid for the merchandise by the purchaser.

—to state amount actually paid.

SEC. 4. That, except in case of personal effects accompanying the passenger, no importation of any merchandise exceeding one hundred dollars in dutiable value shall be admitted to entry without the production of a duly-certified invoice thereof as required by law, or of an affidavit made by the owner, importer, or consignee, before the collector or his deputy, showing why it is impracticable to produce such invoice;

All importations over \$100 to be accompanied by invoice or affidavit, explaining absence.

And no entry shall be made in the absence of a certified invoice, upon affidavit as aforesaid, unless such affidavit be accompanied by a statement in the form of an invoice, or otherwise, showing the actual cost of such merchandise, if purchased, or if obtained otherwise than by purchase, the actual market value or wholesale price thereof at the time of exportation to the United States, in the principal

—if no invoice, to be accompanied by verified statement in form of invoice.

markets of the country from which the same has been imported; which statement shall be verified by the oath of the owner, importer, consignee, or agent desiring to make entry of the merchandise, to be administered by the collector or his deputy,

Importer may be examined, required to produce papers, &c.

And it shall be lawful for the collector or his deputy to examine the deponent under oath touching the sources of his knowledge, information, or belief in the premises, and to require him to produce any letter, paper, or statement of account, in his possession, or under his control, which may assist the officers of customs in ascertaining the actual value of the importation or any part thereof;

—in default whereof, to be debarred from producing, &c., unless, &c.

And in default of such production when so requested, such owner, importer, consignee, or agent shall be thereafter debarred from producing any such letter, paper, or statement for the purpose of avoiding any additional duty, penalty, or forfeiture incurred under this act, unless he shall show to the satisfaction of the court or the officers of the customs, as the case may be, that it was not in his power to produce the same when so demanded;

This section not applicable if invoice producible.

And no merchandise shall be admitted to entry under the provisions of this section unless the collector shall be satisfied that the failure to produce a duly certified invoice is due to causes beyond the control of the owner, consignee, or agent thereof:

Periodicals on free list, how declared.

1890, Oct. 1, ch. 1244, par. 657, post, p. 852.

Provided, That the Secretary of the Treasury may make regulations by which books, magazines, and other periodicals published and imported in successive parts, numbers, or volumes, and entitled to be imported free of duty, shall require but one declaration for the entire series.

Bond in certain cases.

And when entry of merchandise exceeding one hundred dollars in value is made by a statement in the form of an invoice the collector shall require a bond for the production of a duly certified invoice.

Declaration accompanying invoice.

SEC. 5. That whenever merchandise imported into the United States is entered by invoice, one of the following declarations, according to the nature of the case, shall be filed with the collector of the port, at the time of entry by the owner, importer, consignee, or agent; which declaration so filed shall be duly signed by the owner, importer, consignee, or agent, before the collector, or before a notary public or other officer duly authorized by law to administer oaths and take acknowledgments, who may be designated by the Secretary of the Treasury to receive such declarations and to certify to the identity of the persons making them, under regulations to be prescribed by the Secretary of the Treasury; and every officer so designated shall file with the collector of the port a copy of his official signature and seal:

—may state if invoice not received at date of entry, in which case merchandise may be entered subsequently.

Provided. That if any of the invoices or bills of lading of any merchandise imported in any one vessel, which should otherwise be embraced in said entry, have not been received at the date of the entry, the declaration may state the fact, and thereupon such merchandise of which the invoices or bills of lading are not produced shall not be included in such entry, but may be entered subsequently.

DECLARATION OF CONSIGNEE, IMPORTER, OR AGENT.

—of consignee, importer, or agent; form of.

I ———, do solemnly and truly declare that I am the consignee [importer or agent] of the merchandise described in the annexed entry and invoice; 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 or 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; that the

said invoice and the declaration therein are in all respects true, and were made by the person by whom the same purports to have been made; 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 declare that to the best of my knowledge and belief [insert the name and residence of the owner or owners] is [or are] the owner (or owners) 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 the actual market value or wholesale price (if otherwise obtained) at the time of exportation to the United States in the principal markets of the country from whence imported of the said goods, wares, and merchandise, and includes and specifies the value of all cartons, cases, crates, boxes, sacks, and coverings of any kind, and all other costs, charges, and expenses incident to placing said goods, wares, and merchandise in condition, packed ready for shipment to the United States, and no other or different discount, bounty, or drawback but such as has been actually allowed on the same.

DECLARATION OF OWNER IN CASES WHERE MERCHANDISE HAS BEEN ACTUALLY PURCHASED.

Declaration of owner, where merchandise actually purchased.

I, _____ do solemnly and truly declare that I am the owner of the merchandise described in the annexed entry and invoice; 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 invoice and entry which I now produce contain a just and faithful account of the actual cost of the said goods, wares, and merchandise and include and specifies the value of all cartons, cases, crates, boxes, sacks, and coverings of any kind, and all other costs, charges, and expenses incident to placing said goods, wares, and merchandise in condition, packed ready for shipment to the United States, 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 further solemnly and truly declare 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; that to the best of my knowledge and belief the said 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; 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.

DECLARATION OF MANUFACTURER OR OWNER IN CASES WHERE MERCHANDISE HAS NOT BEEN ACTUALLY PURCHASED.

—of manufacturer or owner, where merchandise not actually purchased.

I, _____, do solemnly and truly declare that I am the owner (or manufacturer) of the merchandise described in the annexed entry and invoice; 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 actual market value or wholesale price, at the time of exportation to the United States, in the principal markets of the country from whence imported for my account (or for account of myself or partners): that such actual market value is the price at which the merchandise described in the invoice is freely offered for sale to all purchasers in said markets, and is the price which I would have received and was willing to receive for such merchandise sold in the ordinary course of trade in the usual wholesale quantities; that the said invoice contains also a just and faithful account of all the cost of finishing said goods, wares, and merchandise to their present condition, and includes and specifies, the value of all cartons, cases, crates, boxes, sacks, and coverings of any kind, and all other costs and charges incident to placing said goods, wares, and merchandise in condition packed ready for shipment to the United States, and no other discount, drawback, or bounty but such as has been actually allowed on the said goods, wares, and merchandise; that the said 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; 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 declare 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.

Penalty for false statement.

SEC. 6. That any person who shall knowingly make any false statement in the declarations provided for in the preceding section, or shall aid or procure the making of any such false statement as to any matter material thereto, shall, on conviction thereof, be punished by a fine not exceeding five thousand dollars, or by imprisonment at hard labor not more than two years, or both, in the discretion of the court:

Forfeiture.

Provided, That nothing in this section shall be construed to relieve imported merchandise from forfeiture by reason of such false statement or for any cause elsewhere provided by law.

Additions may be made to invoice values to raise same to market values.

SEC. 7. That the owner, consignee, or agent of any imported merchandise which has been actually purchased, may, at the time when he shall make and verify his written entry of such merchandise, but not afterwards, make such addition in the entry to the cost or value given in the invoice, or pro forma invoice, or statement in form of an invoice, which he shall produce with his entry, as in his opinion may raise the same to the actual market value or wholesale price of such merchandise at the time of exportation to the United States, in the principal markets of the country from which the same has been imported;

—but only when merchandise actually purchased.

But no such addition shall be made upon entry to the invoice value of any imported merchandise obtained otherwise than by actual purchase; and the collector within whose district any merchandise may be imported or entered, whether the same has been actually purchased or procured otherwise than by purchase, shall cause the actual market value or wholesale price of such merchandise to be appraised;

When appraised exceeds declared value more than 10 per cent., extra duties to be paid.

And if the appraised value of any article of imported merchandise shall exceed by more than ten per centum the value declared in the entry, there shall be levied, collected, and paid, in addition to the duties imposed by law on such merchandise, a further sum equal to two per centum of the total appraised value for each one per centum that such appraised value exceeds the value declared in the entry;

—but only on undervalued articles.

And the additional duties shall only apply to the particular article or articles in each invoice which are undervalued;

—if difference exceeds 40 per cent., merchandise to be seized, &c.

And if such appraised value shall exceed the value declared in the entry more than forty per centum, such entry may be held to be presumptively fraudulent, and the collector of customs may seize such merchandise and proceed as in cases of forfeiture for violations of the customs laws;

—burden of proof in such case to be on claimant.

And in any legal proceedings which may result from such seizure the fact of such undervaluation shall be presumptive evidence of fraud, and the burden of proof shall be on the claimant to rebut the same, and forfeiture shall be adjudged unless he shall rebut said presumption of fraudulent intent by sufficient evidence:

—and forfeiture to apply to the entire package, &c.

Provided, That the forfeitures provided for in this section shall apply to the whole of the merchandise or the value thereof in the case or package containing the particular article or articles in each invoice which are undervalued:

Additional duties, &c., applicable to pro forma invoices.

And provided further, That all additional duties, penalties, or forfeitures, applicable to merchandise entered by a duly certified invoice shall be alike applicable to goods entered by a pro forma invoice or statement in form of an invoice. The duty shall not, however, be assessed upon an amount less than the invoice or entered value.

Consignments for sale, from manufacturer; how declared.
19 Opins., 655.

SEC. 8. That when merchandise entered for customs duty has been consigned for sale by or on account of the manufacturer thereof, to a person, agent, partner, or consignee in the United States, such person, agent, partner, or consignee shall, at the time of the entry of such merchandise, present to the collector of customs at the port where such entry is made, as a part of such entry, and in addition to the certified invoice or statement in the form of an invoice required

by law, a statement signed by such manufacturer, declaring the cost of production of such merchandise, such cost to include all the elements of cost as stated in section eleven of this act.

When merchandise entered for customs duty has been consigned for sale by or on account of a person other than the manufacturer of such merchandise, to a person, agent, partner, or consignee in the United States, such person, agent, partner, or consignee shall at the time of the entry of such merchandise present to the collector of customs at the port where such entry is made, as a part of such entry, a statement signed by the consignor thereof, declaring that the merchandise was actually purchased by him or for his account, and showing the time when, the place where, and from whom he purchased the merchandise, and in detail the price he paid for the same:

Provided, That the statements required by this section shall be made in triplicate, and shall bear the attestation of the consular officer of the United States resident within the consular district wherein the merchandise was manufactured, if consigned by the manufacturer or for his account, or from whence it was imported when consigned by a person other than a manufacturer, one copy thereof to be delivered to the person making the statement, one copy to be transmitted with the triplicate invoice of the merchandise to the collector of the port in the United States to which the merchandise is consigned, and the remaining copy to be filed in the consulate.

SEC. 9. That if any owner, importer, consignee, agent, or other person shall make or attempt to make any entry of imported merchandise by means of any fraudulent or false invoice, affidavit, letter, paper, or by means of any false statement, written or verbal, or by means of any false or fraudulent practice or appliance whatsoever, or shall be guilty of any willful act or omission by means whereof the United States shall be deprived of the lawful duties, or any portion thereof, accruing upon the merchandise, or any portion thereof, embraced or referred to in such invoice, affidavit, letter, paper, or statement, or affected by such act or omission, such merchandise, or the value thereof, to be recovered from the person making the entry, shall be forfeited, which forfeiture shall only apply to the whole of the merchandise or the value thereof in the case or package containing the particular article or articles of merchandise to which such fraud or false paper or statement relates;

And such person shall, upon conviction, be fined for each offense a sum not exceeding five thousand dollars, or be imprisoned for a time not exceeding two years, or both, in the discretion of the court.

SEC. 10. That 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, as the case may be, by all reasonable ways and means in his or their power to ascertain, estimate, and appraise (any invoice or affidavit there to or statement of cost, or of cost of production to the contrary notwithstanding) the actual market value and wholesale price of the merchandise at the time of exportation to the United States, in the principal markets of the country whence the same has been imported, and the number of yards, parcels, or quantities, and actual market value or wholesale price of every of them, as the case may require.

SEC. 11. That when the actual market value, as herein defined, of any article of imported merchandise wholly or partially manufactured and subject to ad valorem duty, or to duty based in whole or in part on value, can not be ascertained to the satisfaction of the appraising officer, the appraiser or appraisers shall use all available means to ascertain the cost of production of such merchandise at the time of exportation to the United States, and at the place of manufacture; such cost of production to include cost of materials and of fabrication, all general expenses covering each and every outlay of whatsoever nature incident to such production, together with the

Consignments for sale, not from manufacturer; how declared.

—statements of, to be in triplicate.

Forfeiture for making false entry.

Fine and imprisonment.

Merchandise to be appraised at current actual market value and wholesale price.

Value, how ascertained.

expense of preparing and putting up such merchandise ready for shipment, and an addition of eight per cent. upon the total cost as thus ascertained;

Minimum appraisalment.

And in no such case shall such merchandise be appraised upon original appraisal or re-appraisal at less than the total cost of production as thus ascertained.

General appraisers, 9 to be appointed—salary.

SEC. 12. That there shall be appointed by the President, by and with the advice and consent of the Senate, nine general appraisers of merchandise, each of whom shall receive a salary of seven thousand dollars a year.

—not over 5 from same party.

Not more than five of such general appraisers shall be appointed from the same political party.

—not to engage in other business; may be removed, when.

They shall not be engaged in any other business, avocation, or employment, and may be removed from office at any time by the President for inefficiency, neglect of duty, or malfeasance in office.

—where employed; duties.

They shall be employed at such ports and within such territorial limits, as the Secretary of the Treasury may from time to time prescribe, and are hereby authorized to exercise the powers, and duties devolved upon them by this act and to exercise, under the general direction of the Secretary of the Treasury, such other supervision over appraisements and classifications, for duty, of imported merchandise as may be needful to secure lawful and uniform appraisements and classifications at the several ports.

—board of, at New York.

Three of the general appraisers shall be on duty as a board of general appraisers daily (except Sunday and legal holidays) at the port of New York, during the business hours prescribed by the Secretary of the Treasury, at which port a place for samples shall be provided, under such rules and regulations as the Secretary of the Treasury may from time to time prescribe, which shall include rules as to the classes of articles to be deposited, the time of their retention, and as to their disposition, which place of samples shall be under the immediate control and direction of the board of general appraisers on duty at said port.

Merchandise to be valued by appraisers.

SEC. 13. That the appraiser shall revise and correct the reports of the assistant appraisers as he may judge proper, and the appraiser, or, at ports where there is no appraiser, the person acting as such, shall report to the collector his decision as to the value of the merchandise appraised.

—by customs officers at ports where no appraisers.

At ports where there is no appraiser, the certificate of the customs 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 appraisalment of such merchandise.

—to be reappraised by one of general appraisers if collector or importer dissatisfied.

If the collector shall deem the appraisalment of any imported merchandise too low he may order a reappraisalment, which shall be made by one of the general appraisers, or, if the importer, owner, agent, or consignee of such merchandise shall be dissatisfied with the appraisalment thereof, and shall have complied with the requirements of law with respect to the entry and appraisalment of merchandise, he may, within two days thereafter give notice to the collector, in writing, of such dissatisfaction, on the receipt of which the collector shall at once direct a reappraisalment of such merchandise by one of the general appraisers.

19 Opins., 665.

Decision on reappraisalment conclusive, unless collector or importer appeals to Board of General Appraisers at New York, whose decision shall be final.

The decision of the appraiser or the person acting as such (in cases where no objection is made thereto, either by the collector or by the importer, owner, consignee, or agent), or of the general appraiser in cases of re-appraisalment, shall be final and conclusive as to the dutiable value of such merchandise against all parties interested therein, unless the importer, owner, consignee, or agent of the merchandise shall be dissatisfied with such decision, and shall, within two days thereafter give notice to the collector in writing of such dissatisfaction, or unless the collector shall deem the appraisalment

of the merchandise too low, in either case the collector shall transmit the invoice and all the papers appertaining thereto to the board of three general appraisers, which shall be on duty at the port of New York, or to a board of three general appraisers who may be designated by the Secretary of the Treasury for such duty at that port or at any other port, which board shall examine and decide the case thus submitted, and their decision, or that of a majority of them, shall be final and conclusive as to the dutiable value of such merchandise against all parties interested therein, and the collector or the person acting as such shall ascertain, fix, and liquidate the rate and amount of duties to be paid on such merchandise, and the dutiable costs and charges thereon, according to law.

SEC. 14. That the decision of the collector as to the rate and amount of duties chargeable upon imported merchandise, including all dutiable costs and charges, and as to all fees and exactions of whatever character (except duties on tonnage), shall be final and conclusive against all persons interested therein, unless the owner, importer, consignee, or agent of such merchandise, or the person paying such fees, charges, and exactions other than duties, shall, within ten days after "but not before" such ascertainment and liquidation of duties, as well in cases of merchandise entered in bond as for consumption, or within ten days after the payment of such fees, charges, and exactions, if dissatisfied with such decision give notice in writing to the collector, setting forth therein distinctly and specifically, and in respect to each entry or payment, the reasons for his objections thereto, and if the merchandise is entered for consumption shall pay the full amount of the duties and charges ascertained to be due thereon.

Upon such notice and payment the collector shall transmit the invoice and all the papers and exhibits connected therewith to the board of three general appraisers, which shall be on duty at the port of New York, or to a board of three general appraisers who may be designated by the Secretary of the Treasury for such duty at that port or at any other port, which board shall examine and decide the case thus submitted, and their decision, or that of a majority of them, shall be final and conclusive upon all persons interested therein, and the record shall be transmitted to the proper collector or person acting as such who shall liquidate the entry accordingly, except in cases where an application shall be filed in the circuit court within the time and in the manner provided for in section fifteen of this act.

SEC. 15. That if the owner, importer, consignee, or agent of any imported merchandise, or the collector, or the Secretary of the Treasury, shall be dissatisfied with the decision of the board of general appraisers, as provided for in section fourteen of this act, as to the construction of the law and the facts respecting the classification of such merchandise and the rate of duty imposed thereon under such classification, they or either of them, may, within thirty days next after such decision, and not afterwards, apply to the circuit court of the United States within the district in which the matter arises, for a review of the questions of law and fact involved in such decision.

Such application shall be made by filing in the office of the clerk of said circuit court a concise statement of the errors of law and fact complained of, and a copy of such statement shall be served on the collector, or on the importer, owner, consignee, or agent, as the case may be.

Thereupon the court shall order the board of appraisers to return to said circuit court the record and the evidence taken by them, together with a certified statement of the facts involved in the case, and their decisions thereon; and all the evidence taken by and before said appraisers shall be competent evidence before said circuit court;

And within twenty days after the aforesaid return is made the court may, upon the application of the Secretary of the Treasury, the col-

Rate and amount of duties to be decided by collector, subject to appeal.

— by Board of General Appraisers at New York or elsewhere, on appeal.

Circuit court for proper district may review decision of General Appraisers as to classification of merchandise and rate of duty.

— application to, how made.

Record, evidence, &c., to be transmitted.
45 Fed. Rep., 235, 236.

Proceedings by court.

lector of the port, or the importer, owner, consignee, or agent, as the case may be, refer it to one of said general appraisers, as an officer of the court, to take and return to the court such further evidence as may be offered by the Secretary of the Treasury, collector, importer, owner, consignee, or agent, within sixty days thereafter, in such order and under such rules as the court may prescribe; and such further evidence with the aforesaid returns shall constitute the record upon which said circuit court shall give priority to and proceed to hear and determine the questions of law and fact involved in such decision, respecting the classification of such merchandise and the rate of duty imposed thereon under such classification, and the decision of such court shall be final, and the proper collector, or person acting as such, shall liquidate the entry accordingly.

Appeal to Supreme Court by claimant in discretion of court—limitation.

—by United States allowed, as of right.

Security for costs, &c., how given.

R. S., §§ 1000, 1001.

Supreme court to advance such cases, &c.

1891, March 3, ch. 517, and note (1), *post*, p. 901.

Judgments for importer, how paid.

Circuit courts to be always open, &c.

General and local appraisers, collectors, &c., may administer oaths, examine witnesses, &c.

1890, Sept. 30, ch. 1126, par. 1, *post*, pp. 810, 811.

—may require production of accounts, &c.

Refusal to appear or testify before appraisers, &c., penalty.

—if person refusing be owner, &c.,

Unless such court shall be of opinion that the question involved is of such importance as to require a review of such decision by the Supreme Court of the United States, in which case said circuit court, or the judge making the decision may, within thirty days thereafter, allow an appeal to said Supreme Court;

But an appeal shall be allowed on the part of the United States whenever the Attorney-General shall apply for it within thirty days after the rendition of such decision.

On such original application, and on any such appeal, security for damages and costs shall be given as in the case of other appeals in cases in which the United States is a party.

Said Supreme Court shall have jurisdiction and power to review such decision, and shall give priority to such cases, and may affirm, modify, or reverse such decision of such circuit court, and remand the case with such orders as may seem to it proper in the premises, which shall be executed accordingly.

All final judgments, when in favor of the importer, shall be satisfied and paid by the Secretary of the Treasury from the permanent indefinite appropriation provided for in section twenty-three of this act.

For the purposes of this section the circuit courts of the United States shall be deemed always open, and said circuit courts, respectively, may establish, and from time to time alter, rules and regulations not inconsistent herewith for the procedure in such cases as they shall deem proper.

SEC. 16. That the general appraisers, or any of them, are hereby authorized to administer oaths, and said general appraisers, the boards of general appraisers, the local appraisers or the collectors, as the case may be, may cite to appear before them, and examine upon oath any owner, importer, agent, consignee, or other person touching any matter or thing which they, or either of them, may deem material respecting any imported merchandise, in ascertaining the dutiable value or classification thereof;

And they, or either of them, may require the production of any letters, accounts, or invoices relating to said merchandise, and may require such testimony to be reduced to writing, and when so taken it shall be filed in the office of the collector, and preserved for use or reference until the final decision of the collector or said board of appraisers shall be made respecting the valuation or classification of said merchandise, as the case may be.

SEC. 17. That if any person so cited to appear shall neglect or refuse to attend, or shall decline to answer, or shall refuse to answer in writing any interrogatories, and subscribe his name to his deposition, or to produce such papers, when so required by a general appraiser, or a board of general appraisers, or a local appraiser or a collector, he shall be liable to a penalty of one hundred dollars;

And if such person be the owner, importer, or consignee, the appraisement which the general appraiser, or board of general ap-

praisers, or local appraiser, or collector, where there is no appraiser, may make of the merchandise, shall be final and conclusive;

And any person who shall willfully and corruptly swear falsely on an examination before any general appraiser, or board of general appraisers, or local appraiser, or collector, shall be deemed guilty of perjury;

And if he is the owner, importer, or consignee, the merchandise shall be forfeited.

SEC. 18. That all decisions of the general appraisers and of the boards of general appraisers, respecting values and rates of duty, shall be preserved and filed, and shall be open to inspection under proper regulations to be prescribed by the Secretary of the Treasury.

All decisions of the general appraisers shall be reported forthwith to the Secretary of the Treasury and to the board of general appraisers on duty at the port of New York, and the report to the board shall be accompanied, whenever practicable, by samples of the merchandise in question, and it shall be the duty of the said board, under the direction of the Secretary of the Treasury, to cause an abstract to be made and published of such decisions of the appraisers as they may deem important, and of the decisions of each of the general appraisers and boards of general appraisers, which abstract shall contain a general description of the merchandise in question, and of the value and rate of duty fixed in each case, with reference, whenever practicable, by number or other designation, to samples deposited in the place of samples at New York, and such abstract shall be issued from time to time, at least once in each week, for the information of customs officers and the public.

SEC. 19. That whenever imported merchandise is subject to an ad valorem rate of duty, or to a duty based upon or regulated in any manner by the value thereof, the duty shall be assessed upon the actual market value or wholesale price of such merchandise as bought and sold in usual wholesale quantities, at the time of exportation to the United States, in the principal markets of the country from whence imported, and in the condition in which such merchandise is there bought and sold for exportation to the United States, or consigned to the United States for sale, including the value of all cartons, cases, crates, boxes, sacks, and coverings of any kind, and all other costs, charges, and expenses incident to placing the merchandise in condition, packed ready for shipment to the United States, and if there be used for covering or holding imported merchandise, whether dutiable or free, any unusual article or form designed for use otherwise than in the bona fide transportation of such merchandise to the United States, additional duty shall be levied and collected upon such material or article at the rate to which the same would be subject if separately imported.

That the words "value" or "actual market value" whenever used in this act or in any law relating to the appraisement of imported merchandise shall be construed to mean the actual market value or wholesale price as defined in this section.

SEC. 20. [For substitute see 1890, Oct. 1, ch. 1244, § 54, post, p. 869.]

SEC. 21. That in all suits or informations brought, where any seizure has been 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.

SEC. 22. That all fees exacted and oaths administered by officers of the customs, except as provided in this act, under or by virtue of existing laws of the United States, upon the entry of imported goods and the passing thereof through the customs, and also upon

appraiser's decision conclusive.

False swearing, penalty for.

—forfeiture for.

Decisions of general appraisers to be filed, &c.

—abstracts of, to be published.

Ad valorem duties, how assessed.

"Value," "actual market value," defined.

In seizure cases burden of proof on claimant.

Certain fees and oaths abolished.

all entries of domestic goods, wares, and merchandise for exportation, be, and the same are hereby, abolished;

Exportation declaration.

And in case of entry of merchandise for exportation, a declaration, in lieu of an oath, shall be filed, in such form and under such regulations as may be prescribed by the Secretary of the Treasury;

Penalties for false statements.

And the penalties provided in the sixth section of this act for false statements in such declaration shall be applicable to declarations made under this section:

Compensation in lieu of fees; when.

Provided, That where such fees, under existing laws, constitute, in whole or in part, the compensation of any officer, such officer shall receive, from and after the passage of this act, a fixed sum for each year equal to the amount which he would have been entitled to receive as fees for such services during said year.

No allowance for damages.

SEC. 23. That no allowance for damage to goods, wares, and merchandise imported into the United States shall hereafter be made in the estimation and liquidation of duties thereon;

Property may be abandoned, when.

But the importer thereof may, within ten days after entry, abandon to the United States all or any portion of goods, wares, and merchandise included in any invoice, and be relieved from the payment of the duties on the portion so abandoned: *Provided*, That the portion so abandoned shall amount to ten per centum or over of the total value or quantity of the invoice;

—to be disposed of, how.

And the property so abandoned shall be sold by public auction or otherwise disposed of for the account and credit of the United States under such regulations as the Secretary of the Treasury may prescribe.

Refund of overpayments.

SEC. 24. That whenever it shall be shown to the satisfaction of the Secretary of the Treasury that, in any case of unascertained or estimated duties, or payments made upon appeal, more money has been paid to or deposited with a collector of customs than, as has been ascertained by final liquidation thereof, the law required to be paid or deposited, the Secretary of the Treasury shall direct the Treasurer to refund and pay the same out of any money in the Treasury not otherwise appropriated.

Permanent appropriation.

The necessary moneys therefor are hereby appropriated, and this appropriation shall be deemed a permanent indefinite appropriation;

Clerical errors in entries.

And the Secretary of the Treasury is hereby authorized to correct manifest clerical errors in any entry or liquidation, for or against the United States, at any time within one year of the date of such entry, but not afterwards:

Detailed report of refunds.

Provided, That the Secretary of the Treasury shall in his annual report to Congress, give a detailed statement of the various sums of money refunded under the provisions of this act or of any other act of Congress relating to the revenue, together with copies of the rulings under which repayments were made.

Collectors and other officers not liable.

SEC. 25. That from and after the taking effect of this act no collector or other officer of the customs shall be in any way liable to any owner, importer, consignee, or agent of any merchandise, or any other person, for or on account of any rulings or decisions as to the classification of said merchandise or the duties charged thereon, or the collection of any dues, charges, or duties on or on account of said merchandise, or any other matter or thing as to which said owner, importer, consignee, or agent of such merchandise might, under this act, be entitled to appeal from the decision of said collector or other officer, or from any board of appraisers provided for in this act.

Bribery, &c., how punished.

SEC. 26. That any person who shall give, or offer to give or promise to give any money or thing of value, directly or indirectly, to any officer or employee of the United States in consideration of or for any act or omission contrary to law in connection with or pertaining to the importation, appraisement, entry, examination, or inspection of goods, wares, or merchandise including herein any baggage, or

of the liquidation of the entry thereof, or shall by threats or demands, or promises of any character attempt to improperly influence or control any such officer or employee of the United States as to the performance of his official duties shall, on conviction thereof, be fined not exceeding two thousand dollars, or be imprisoned at hard labor not more than one year, or both, in the discretion of the court;

And evidence of such giving, or offering, or promising to give, satisfactory to the court in which such trial is had, shall be regarded as prima facie evidence that such giving or offering or promising was contrary to law, and shall put upon the accused the burden of proving that such act was innocent, and not done with an unlawful intention. —evidence.

SEC. 27. That any officer or employee of the United States who shall, excepting for lawful duties or fees, solicit, demand, exact or receive from any person, directly or indirectly, any money or thing of value, in connection with or pertaining to the importation, appraisement, entry, examination, or inspection of goods, wares, or merchandise, including herein any baggage, or liquidation of the entry thereof, on conviction thereof, shall be fined not exceeding five thousand dollars, or be imprisoned at hard labor not more than two years, or both, in the discretion of the court. Asking and taking bribes, how punished.

And evidence of such soliciting, demanding, exacting, or receiving, satisfactory to the court in which such trial is had, shall be regarded as prima facie evidence that such soliciting, demanding, exacting, or receiving was contrary to law, and shall put upon the accused the burden of proving that such act was innocent and not with an unlawful intention. —evidence.

SEC. 28. That 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, or to be forwarded by such collector to the collector of the port of departure and to be delivered to such parties on their departure for their foreign destination, under such rules and regulations as the Secretary of the Treasury may prescribe. Baggage in transit to foreign countries may be delivered to collector and forwarded, &c.

SEC. 29. That sections twenty-six hundred and eight, twenty-eight hundred and thirty-eight, twenty-eight hundred and thirty-nine, twenty-eight hundred and forty-one, twenty-eight hundred and forty-three, twenty-eight hundred and forty-five, twenty-eight hundred and fifty-three, twenty-eight hundred and fifty-four, twenty-eight hundred and fifty-six, twenty-eight hundred and fifty-eight, twenty-eight hundred and sixty, twenty-nine hundred, and twenty-nine hundred and two, twenty-nine hundred and five, twenty-nine hundred and seven, twenty-nine hundred and eight, twenty-nine hundred and nine, twenty-nine hundred and twenty-two, twenty-nine hundred and twenty-three, twenty-nine hundred and twenty-four, twenty-nine hundred and twenty-seven, twenty-nine hundred and twenty-nine, twenty-nine hundred and thirty, twenty-nine hundred and thirty-one, twenty-nine hundred and thirty-two, twenty-nine hundred and forty-three, twenty-nine hundred and forty-five (1), twenty-nine hundred and fifty-two, three thousand and eleven, three thousand and twelve, three thousand and twelve and one-half, three thousand and thirteen, of the Revised Statutes of the United States, be, and the same are hereby, repealed. Repeal of R. S., §§ 2606, 2838, 2839, 2841, 2843, 2845, 2853, 2854, 2856, 2858, 2860, 2900, 2902, 2905, 2907-2909, 2922-2924, 2927, 2929-2932, 2943, 2945, 2952, 3011-3013.

And sections nine, ten, eleven, twelve, fourteen, and sixteen of an act entitled "An act to amend the customs-revenue laws and to repeal moieties," approved June twenty-second, eighteen hundred and seventy-four, 1874, June 22, ch. 391, §§ 9, 10, 11, 12, 14, 16 (18 Stat. L., 188, 189.)

And sections seven, eight, and nine of the act entitled "An act to reduce internal-revenue taxation, and for other purposes," approved 1883, March 3, ch. 121, §§ 7, 8, 9

NOTE.—(1) Section 2245, R. S., here repealed, is identical with § 2610, which is left unrepealed.

(22 Stat. L., 523, 525.)

Existing rights, liabilities, &c., not affected.

Statutes of limitation not affected.

1884, July 5, ch. 225, *ante*, p. 463.
Pending causes.

Property abandoned to salvors and insurers.

R. S., § 3058.
1887, Feb. 23, ch. 221, *ante*, p. 542.

When act takes effect.

March third, eighteen hundred and eighty-three, and all other acts and parts of acts inconsistent with the provisions of this act, are hereby repealed.

But the repeal of existing laws or modifications thereof embraced in this act shall not affect any act done, or any right accruing or accrued, or any suit or proceeding had or commenced in any civil cause before the said repeal or modifications; but all liabilities under said law shall continue and may be enforced in the same manner as if said repeal or modifications had not been made. Any offenses committed, and all penalties or forfeitures or liabilities incurred prior to the passage of this act under any statute embraced in or changed, modified, or repealed by this act may be prosecuted and punished in the same manner and with the same effect as if this act had not been passed. All acts of limitation, whether applicable to civil causes and proceedings or to the prosecution of offenses or for the recovery of penalties or forfeitures embraced in or modified, changed, or repealed by this act shall not be affected thereby;

And all suits, proceedings, or prosecutions, whether civil or criminal, for causes arising or acts done or committed prior to the passage of this act, may be commenced and prosecuted within the same time and with the same effect as if this act had not been passed.

And provided further, That nothing in this act shall be construed to repeal the provisions of section three thousand and fifty-eight of the Revised Statutes as amended by the act approved February twenty-third, eighteen hundred and eighty-seven, in respect to the abandonment of merchandise to underwriters or the salvors of property, and the ascertainment of duties thereon.

SEC. 30. That this act shall take effect on the first day of August, eighteen hundred and ninety, except so much of section twelve as provides for the appointment of nine general appraisers, which shall take effect immediately. [June 10, 1890.]

June 13, 1890.

26 Stat. L., 148.

Mileage to Army officers.

R. S., § 1273.
1876, July 24, ch. 226, § 2, *ante*, p. 113.

1889, March 2, ch. 372, par. 1, *post*, p. 679.

1890, Sept. 19, —on subsidized roads.

Transportation by Quartermaster's Department.

CHAP. 423.—An act making appropriations for the support of the Army for the fiscal year ending June thirtieth, eighteen hundred and ninety-one, and for other purposes.

Be it enacted, &c., * * [Par. 1.] (1) For mileage to officers when traveling on duty without troops, when authorized by law: * *

Provided, That in disbursing this amount the maximum sum to be allowed and paid to an officer shall be four cents per mile, distance to be computed over the shortest usually traveled routes, and, in addition thereto, the cost of the transportation actually paid by the officer over said route or routes, exclusive of parlor-car fare and transfers: ch. 907, § 15, *post*, p. 803.

And provided further, That when any officer so traveling shall travel in whole or in part on any railroad on which the troops and supplies of the United States are entitled to be transported free of charge, or over any of the bond-aided Pacific railroads, he shall be allowed for himself only four cents per mile as a subsistence fund for every mile necessarily traveled over any such railroads:

And provided further, That the transportation furnished by the Quartermaster's Department to officers traveling without troops shall

NOTE.—(1) Laws as to mileage of army officers are as follows: By R. S., § 1273, mileage at ten cents a mile was allowed to army officers not furnished transportation. By 1874, June 16, ch. 286, (18 Stat. L., 72,) all mileage was forbidden and actual expenses allowed. This was repealed, with amendments, in 1875, March 3, ch. 133, par. 1, *ante*, p. 81 (see note thereon). By 1876, July 24, ch. 226, *ante*, p. 113, mileage was restored, with exceptions, at eight cents a mile. By 1883, March 3, ch. 93, par. 2, *ante*, p. 140, the mileage must be over the shortest usually traveled route and the necessity shown in the order. Beginning with 1886, June 30, ch. 574 (24 Stat. L., 95), each annual army appropriation act has contained provisions with varying details, relative to the rate of mileage (24 Stat. L., 396; 25 Stat. L., 488, 823; 26 Stat. L., 151, 773). The above paragraph, different from those preceding, is exactly repeated in the appropriation of the following year (26 Stat. L., 773). It can not be determined extra-judicially whether all these provisions are to be regarded as permanent or confined to the years in which they appear. Special provision is made as to mileage to engineer officers on river and harbor duty by 1890, Sept. 19, ch. 907, § 15, *post*, p. 803, and to clerks of Pay Department, accountant of Inspector General's Department and contract surgeons by 1891, Feb. 24, ch. 284, par. 1, *post*, p. 896.

be limited to transportation in kind, not including sleeping or parlor-car accommodations, over free roads, over bond-aided Pacific railroads, and by conveyance belonging to the said Department; * *

[Par. 2.] That for the current fiscal year and thereafter there may be expended from the appropriation for regular supplies the amounts required for the necessary equipments of the bake-house to carry on post bakeries;

For the necessary furniture, text-books, paper and equipments of the post schools;

For the tableware and mess furniture for kitchens and mess-halls; and for garden utensils and agricultural implements for post gardens, each and all for the use of the enlisted men of the Army: * *

[Par. 3.] That no alcoholic liquors, beer or wine, shall be sold or supplied to the enlisted men in any canteen, or post trader's store, or in any room or building at any garrison or military post, in any State or territory in which the sale of alcoholic liquors, beer, or wine is prohibited by law. * * [June 13, 1890.]

Expenditures for post bakeries, schools, kitchens, gardens, &c., for enlisted men may be made from appropriation for regular supplies.

Alcoholic liquors not to be sold in canteens, &c., in States where prohibited.

R. S., § 1113.

CHAP. 426.—An act to prevent desertions from the Army, and for other purposes.

Be it enacted, &c., That from and after the first day of July, eighteen hundred and ninety, there shall be retained from the pay of each enlisted man of the Army the sum of four dollars per month of his monthly pay for the first year of his enlistment, which said sum shall not be paid him until his discharge from the service, and shall be forfeited unless he serves honestly and faithfully to the date of discharge:

Provided, That the Secretary of War shall determine what misconduct shall constitute a failure to render honest and faithful service within the meaning of this act;

But no soldier who has deserted at any time during the term of an enlistment shall be deemed to have served such term honestly and faithfully:

Provided, also, That the sums retained from the monthly pay of enlisted men, in accordance with section one of this act and sections twelve hundred and eighty-one and twelve hundred and eighty-two of the Revised Statutes, shall be treated as deposits, upon which interest shall be paid as provided in sections thirteen hundred and five, thirteen hundred and six, thirteen hundred and seven, and thirteen hundred and eight of the Revised Statutes, the said sums to bear interest from the end of the year of the soldier's enlistment in which they shall have accrued.

SEC. 2. That enlistments shall continue to be made for five years, as now provided by law:

Provided, That at the end of three years from the date of his enlistment every soldier whose antecedent service has been faithful shall be entitled to receive a furlough for three months, and that in time of peace he shall at the end of such furlough be entitled to receive his discharge upon his own application:

Provided further, That soldiers discharged under the provisions of this section shall not be entitled to the allowances provided in section twelve hundred and ninety of the Revised Statutes.

SEC. 3. That United States marshals and their deputies, sheriffs and their deputies, constables, and police officers of towns and cities are hereby authorized to apprehend, arrest, and receive the surrender of any deserter from the Army for the purpose of delivering him to any person in the military service authorized to receive him.

SEC. 4. That in time of peace the President may, in his discretion and under such rules and upon such conditions as he shall prescribe, permit any enlisted man to purchase his discharge from the Army.

June 16, 1890.

26 Stat. L., 157.
Part of pay of enlisted man in Army to be retained until honorable discharge.
138 U. S., 87.

Secretary of War to pass upon conduct

Effect of desertion.

Retained sums to bear interest, as deposits.
R. S., §§ 1281, 1282, 1305-1308.

Enlistments for five years, period.

R. S., § 1119.
Faithful soldier may be discharged in three years.

If so discharged, no travel pay and commutation.
R. S., § 1290.

Arrest of deserters.
1890, Oct. 1, ch. 1259, § 2, post, p. 878.

Discharge may be purchased.

Disposal of purchase money.

The purchase money to be paid under this section shall be paid to a paymaster of the Army and be deposited in the Treasury to the credit of one or more of the current appropriations for the support of the Army, to be indicated by the Secretary of War, and be available for the payment of expenses incurred during the fiscal year in which the discharge is made.

Vegetables to be added to Army rations.

R. S., § 1146.

SEC. 5. That the Army ration now provided by law shall be increased by the addition thereto of one pound of vegetables, the proportion to be fixed by the Secretary of War. [June 16, 1890.]

June 17, 1890.

CHAP. 428.—An act to amend section two hundred and four of the Revised Statutes of the United States, relating to the District of Columbia.

26 Stat. L., 159.

Commissioners of D. C. may lay water mains, pipes and erect fire plugs and hydrants.

Be it enacted, &c., That section two hundred and four of the Revised Statutes of the United States, relating to the District of Columbia, be amended so as to read as follows:

Substitute for R. S. of D. C., § 204. 1878, June

“The Commissioners of the District of Columbia shall have the power to lay water mains and water pipes and to erect fire-plugs and hydrants wherever the same may be in their judgment necessary and for the public safety, comfort, or health.” [June 17, 1890.]

11, ch. 180, § 5, *ante*, p. 178; 1879, June 10, ch. 16, *ante*, p. 264.

June 18, 1890.

CHAP. 431.—An act to amend section thirty-three hundred and fifty-four of the Revised Statutes of the United States.

26 Stat. L., 161.

Fermented liquors.

Be it enacted, &c., That section thirty-three hundred and fifty-four of the Revised Statutes of the United States is hereby amended so that it shall read as follows:

Substitute for R. S., § 3354.

Bottling from unstamped packages prohibited.

“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,

Bottling in brewery or on connected premises prohibited.

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:

Withdrawal by pipe line to other building for bottling permitted.

Provided, however, That this section shall not be construed to prevent the withdrawal and transfer of fermented liquors from any of the vats in any brewery, by way of a pipe line or other conduit, to another building or place, for the sole purpose of bottling the same; such pipe line or conduit to be constructed and operated in such manner, and with such cisterns, vats, tanks, valves, cocks, faucets, and gauges, or other utensils or apparatus, either on the premises of the brewery or the bottling house, and with such changes of or additions thereto, and such locks, seals, or other fastenings, and under such rules and regulations as shall be from time to time prescribed by the Commissioner of Internal Revenue, subject to the approval of the Secretary of the Treasury, and all locks and seals prescribed shall be provided by the Commissioner of Internal Revenue, at the expense of the United States:

Tax payable on withdrawal.

R. S., § 3339. 1876, May 13, ch. 95, *ante*, p. 104.

Provided further, That the tax imposed in section thirty-three hundred and thirty-nine of the Revised Statutes of the United States shall be paid on all fermented liquor removed from a brewery to a bottling house by means of a pipe or conduit, at the time of such removal, by the cancellation and defacement, by the collector of the district, or his deputy, in the presence of the brewer, of the number of stamps denoting the tax on the fermented liquor thus removed.

The stamps thus canceled and defaced shall be disposed of and accounted for in the manner directed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury.

Disposal of canceled stamps.

And any violation of the rules and regulations hereafter prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, in pursuance of these provisions, shall be subject to the penalties above provided by this section.

Violation of regulations.

Every owner, agent, or superintendent of any brewery or bottling house who removes, or connives at the removal of, any fermented liquor through a pipe line or conduit, without payment of the tax thereon, or who attempts in any manner to defraud the revenue as above, shall forfeit all the liquors made by and for him, and all the vessels, utensils, and apparatus used in making the same. [June 18, 1890.]

Penalties and forfeiture.

CHAP. 432.—An act to provide for the exportation of fermented liquor in bond without payment of internal-revenue tax."

June 18, 1890.

23 Stat. L., 162.

Be it enacted, &c., That from and after the first day of January, eighteen hundred and ninety-one, fermented liquor may be removed from the place of manufacture, or storage, for export to a foreign country, without payment of tax, in such packages and under such regulations, and upon the giving of such notices, entries, bonds, and other security, as the Commissioner of Internal Revenue with the approval of the Secretary of the Treasury may from time to time prescribe;

Fermented liquor may be exported in bond free of tax.

R. S., §§ 3329, 3330.

1874, June 9, ch. 259, *ante*, p. 12.

10, 11, *ante*, p. 287.

And (1) no drawback of tax shall be allowed on fermented liquor exported on and after the first day of January, eighteen hundred and ninety-one, unless entered for exportation prior to such date. [June 18, 1890.]

No drawback after January 1, 1891.

R. S., § 3441.

NOTE.—(1) This repeals that part of R. S., § 3441, as amended by substitute contained in 1879, March 1, ch. 125, § 17 (20 Stat. L., 350), allowing a drawback on export of fermented liquors.

CHAP. 437.—An act making appropriations for the support of the Military Academy for the fiscal year ending June thirtieth, eighteen hundred and ninety-one.

June 20, 1890.

26 Stat. L., 168.

Be it enacted, &c., * * That the enlisted men known as the artillery detachment at West Point shall be mustered out of the service as artillery-men and immediately re-enlisted as Army service men in the Quartermaster's Department, continuing to perform the same duties and to have the same pay, allowances, rights and privileges, and subject to the rules, regulations and laws in the same manner as if their service had been continuous in the artillery, and their said service shall be considered and declared to be continuous in the Army. * * [June 20, 1890.]

Artillery detachment at West Point to become Army service men; same pay, rights, rules, &c., as if in artillery; service to be continuous in the Army.

1886, July 29, ch. 810, *ante*, p. 562.

CHAP. 616.—An act constituting Irondequoit Bay, New York, a navigable water of the United States for certain purposes.

June 25, 1890.

26 Stat. L., 180.

Be it enacted, &c., That Irondequoit Bay, New York, shall, for the purpose of applying the provisions of title fifty-two of the Revised Statutes, relating to steam-vessels navigating thereon, be declared a navigable water of the United States;

Irondequoit Bay, N.Y., a navigable water.

R. S., §§ 4399-4500.

And steam-vessels navigated thereon, and carrying passengers, shall be inspected under the provisions of section forty-four hundred and twenty-six of the title referred to, and subject to the penalties provided therein for a failure to comply therewith. [June 25, 1890.]

Inspection of steam-vessels thereon.

R. S., § 4426.
26 Fed. R., 766.

June 26, 1890.

26 Stat. L., 180.

Alabama, terms of court in southern district.

R. S. §§ 572, 658, 1874, June 22, ch. 401, *ante*, p. 38, 1886, Aug. 2, ch. 842, *ante*, p. 510.

CHAP. 631.—An act to fix the regular terms of the circuit and district courts for the southern district of Alabama.

Be it enacted, &c., That the regular terms of the circuit and district courts of the United States for the southern district of Alabama shall be held annually on the fourth Monday in November and the first Monday in May, at the city of Mobile, in said district. [June 26, 1890.]

June 27, 1890.

26 Stat. L., 182.

Pension claims of dependent parents; evidence required.

R. S., § 4707, 1886, March 19, ch. 22, *ante*, p. 487.

CHAP. 634.—An act granting pensions to soldiers and sailors who are incapacitated for the performance of manual labor, and providing for pensions to widows, minor children, and dependent parents. (1)

Be it enacted, &c., That in considering the pension claims of dependent parents, the fact of the soldier's death by reason of any wound, injury, casualty, or disease which, under the conditions and limitations of existing laws, would have entitled him to an invalid pension, and the fact that the soldier left no widow or minor children having been shown as required by law, it shall be necessary only to show by competent and sufficient evidence that such parent or parents are without other present means of support than their own manual labor or the contributions of others not legally bound for their support:

Beginning and continuance of dependent pensions.

Provided, That all pensions allowed to dependent parents under this act shall commence from the date of the filing of the application hereunder and shall continue no longer than the existence of the dependence.

Invalid pensions to disabled soldiers and sailors who served ninety days in war of rebellion.

R. S., §§ 4692, 4693.

SEC. 2. That all persons who served ninety days or more in the military or naval service of the United States during the late war of the rebellion and who have been honorably discharged therefrom, and who are now or who may hereafter be suffering from a mental or physical disability of a permanent character, not the result of their own vicious habits, which incapacitates them from the performance of manual labor in such a degree as to render them unable to earn a support, shall, upon making due proof of the fact according to such rules and regulations as the Secretary of the Interior may provide, be placed upon the list of invalid pensioners of the United States, and be entitled to receive a pension not exceeding twelve dollars per month, and not less than six dollars per month, proportioned to the degree of inability to earn a support;

Maximum and minimum pension.

Commencement and continuance.

And such pension shall commence from the date of the filing of the application in the Pension Office, after the passage of this act upon proof that the disability then existed, and shall continue during the existence of the same:

Pensioners under other acts not barred from benefit of this act.

Provided, That persons who are now receiving pensions under existing laws, or whose claims are pending in the Pension Office, may, by application to the Commissioner of Pensions, in such form as he may prescribe, showing themselves entitled thereto, receive the benefits of this act; and nothing herein contained shall be so construed as to prevent any pensioner thereunder from prosecuting his claim and receiving his pension under any other general or special act:

Only one pension for same period.

Provided, however, That no person shall receive more than one pension for the same period:

Rank not considered.

And provided further, That rank in the service shall not be considered in applications filed under this act.

NOTE.—(1) Prior to this act pensions were granted by general law to soldiers of the late war, and their widows and minor children, only on account of disability or death due to the service (R. S., §§ 4692, 4693, 4702, 4703). This act, subject to certain general provisions, grants a pension to every disabled soldier without regard to the cause of disability, and to the widow and minor children of every soldier without regard to the cause of his death, requiring, however, that a widow shall be without other means of support than her daily labor. Laws already in existence provided for pensions on account of service alone, to widows of Revolutionary soldiers (R. S., § 4743), to soldiers and widows of soldiers of the war of 1812 (R. S., §§ 4736-4740, and 1878, March 9, ch. 28, *ante*, p. 154), and on account of service conjoined with age, disability, or dependence, to soldiers and widows of soldiers of the Mexican war, 1867, January 29, ch. 70, *ante*, p. 523.

SEC. 3. That if any officer or enlisted man who served ninety days or more in the Army or Navy of the United States during the late war of the rebellion, and who was honorably discharged has died, or shall hereafter die, leaving a widow without other means of support than her daily labor, or minor children under the age of sixteen years, such widow shall, upon due proof of her husband's death, without proving his death to be the result of his army service, be placed on the pension-roll from the date of the application therefor under this act, at the rate of eight dollars per month during her widowhood, and shall also be paid two dollars per month for each child of such officer or enlisted man under sixteen years of age, and in case of the death or re-marriage of the widow, leaving a child or children of such officer or enlisted man under the age of sixteen years, such pension shall be paid such child or children until the age of sixteen:

Provided, That in case a minor child is insane, idiotic, or otherwise permanently helpless, the pension shall continue during the life of said child, or during the period of such disability,

And this proviso shall apply to all pensions heretofore granted or hereafter to be granted under this or any former statute, and such pensions shall commence from the date of application therefor after the passage of this act:

And provided further, That said widow shall have married said soldier prior to the passage of this act.

SEC. 4. That no agent, attorney, or other person engaged in preparing, presenting, or prosecuting any claim under the provisions of this act shall, directly or indirectly, contract for, demand, receive, or retain for such services in preparing, presenting, or prosecuting such claim a sum greater than ten dollars, which sum shall be payable only upon the order of the Commissioner of Pensions, by the pension agent making payment of the pension allowed,

And any person who shall violate any of the provisions of this section, or who shall wrongfully withhold from a pensioner or claimant the whole or any part of a pension or claim allowed or due such pensioner or claimant under this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall, for each and every such offence, be fined not exceeding five hundred dollars, or be imprisoned at hard labor not exceeding two years, or both, in the discretion of the court. [June 27, 1890.]

Dependent widows and minor children of soldiers to have pensions without regard to cause of soldier's death.

R. S., §§ 4702, 4703.

Continuing pension to minor child during permanent disability.

This applies to pensions under all laws.

Widow must have married before this act.

Fees for prosecuting claims, and how paid.

R. S., §§ 4768, 4769, 4786.

1884, July 4, ch. 181, *ante*, pp. 451, 452.

Penalty for illegal fees or withholding pension.

R. S., § 5485.

1884, July 4, ch. 181, § 5, *ante*, p. 453.

CHAP. 639. —An act making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June thirtieth, eighteen hundred and ninety-one, and for other purposes.

June 30, 1890.

28 Stat. L., 187.

Be it enacted, &c. * * [Par. 1.] That hereafter a check or checks drawn by a pension agent in payment of pension due, and mailed by him to the address of the pensioner, shall constitute payment within the meaning of section forty-seven hundred and sixty-five, Revised Statutes, in the event of the death of a pensioner subsequent to the mailing and before the receipt of said check; and the amount which may have accrued on the pension of any pensioner subsequent to the last quarterly payment on account thereof and prior to the death of such pensioner shall in the case of a husband to be paid to his widow, or if there be no widow to his surviving minor children or the guardian thereof, and in the case of a widow to her minor children:

Provided further, That hereafter whenever a pension certificate shall have been issued and the pensioner mentioned therein dies before payment shall have been made, leaving no widow and no surviving minor children, the accrued pension due on said certificate to the date of the death of said pensioner may, in the discretion of the

Mailing checks to be payment in case of death of pensioner.

R. S., § 4765.

Accrued pension on death of pensioner to be paid to widow or minor children.

R. S., § 4718.

If leaving no widow nor minor child, may be paid to legal representative.

Secretary of the Interior, be paid to the legal representatives of said pensioner. * *

Acting officer may discharge duties of pension agent, in his sickness or absence.

R. S., § 4778.

Agent may designate clerk to sign checks.

Agent's bond to cover acts of such person.

R. S., § 4779.

Acting officer subject to same penalties as agent.

R. S., §§ 5487, 5488.

[Par. 2.] In case of the sickness or unavoidable absence of any pension agent from his office, he may, with the approval of the Secretary of the Interior, authorize the chief clerk, or some other clerk employed therein, to act in his place, to sign official checks, and to discharge all the other duties required by law of such pension agent;

And, with like approval, any pension agent may designate and authorize a clerk to sign the name of the pension agent to official checks.

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, and a new bond shall be required from all pension agents now in office.

Such acting officer shall, moreover, for the time being, be subject to all the liabilities and penalties prescribed by law for the official misconduct, in all cases, of the pension agent for whom he acts.

* * [June 30, 1890].

June 30, 1890.

26 Stat. L., 189.

Sale of condemned naval stores.

R. S., 1541, 3618.

19 C. Cls., 181.

113 U. S., 128.

Clothing and small stores funds to be consolidated. 1879, Feb. 14, ch. 68, ante, p. 216.

Advertising for bidders for naval supplies.

R. S., § 3718.

CHAP. 640.—An act making appropriations for the Naval service for the fiscal year ending June thirtieth, eighteen hundred and ninety-one, and for other purposes.

Be it enacted, &c. * * [Par. 1.] The Secretary of the Navy is hereby authorized to sell, after advertisement of the sale for such time as in his judgment the public interests may require, condemned naval supplies, stores, and materials, either by public auction or by advertisement for sealed proposals for the purchase of the same.

[Par. 2.] Bureau of provisions and clothing. * * And the clothing fund and small stores fund shall be hereafter consolidated and administered as a fund to be known as the clothing and small stores fund. * *

[Par. 3.] And section thirty-seven hundred and eighteen of the Revised Statutes of the United States is hereby amended by striking out the words "once a week for four weeks" and inserting in lieu thereof the words "twice a week for two weeks or longer, not to exceed four weeks, in the discretion of the Secretary of the Navy."

* * [June 30, 1890.]

July 1, 1890.

26 Stat. L., 209.

Oaths in pension, bounty, and pay cases; before whom taken.

R. S., § 4714.

Certification, &c., by county clerk; when necessary.

1890, Sept. 1, Res. No. 43, post, p. 884.

CHAP. 646.—An act in relation to oaths in pension and other cases.

Be it enacted, &c., That any and all affidavits and declarations to be hereafter made or used in any pension or bounty cases, or in claims against the Government for back pay or arrears or increase of pension, or for quarterly vouchers, may be taken by any officer authorized to administer oaths for general purposes in the State, City, or county where said officer resides.

If such officer has a seal and uses it upon such paper, no certificate of a county clerk, or prothonotary, or clerk of a court shall be necessary; but when no seal is used by the officer taking such affidavit, then a clerk of a court of record, or a county or city clerk, shall affix his official seal thereto, and shall certify to the signature and official character of said officer. [July 1, 1890.]

July 2, 1890.

26 Stat. L., 209.

Trusts, &c., in restraint of trade, &c., illegal.

1887, Feb. 4, ch. 104, § 7, ante, p. 530.

CHAP. 647.—An act to protect trade and commerce against unlawful restraints and monopolies.

Be it enacted, &c. SEC. 1. Every contract, combination in the form of trust or otherwise, or conspiracy, in restraint of trade or commerce among the several States, or with foreign nations, is hereby declared to be illegal.

Every person who shall make any such contract or engage in any such combination or conspiracy, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by fine not exceeding five thousand dollars, or by imprisonment not exceeding one year, or by both said punishments, in the discretion of the court.

Persons combining, guilty of misdemeanor.

SEC. 2. Every person who shall monopolize, or attempt to monopolize, or combine or conspire with any other person or persons, to monopolize any part of the trade or commerce among the several States, or with foreign nations, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by fine not exceeding five thousand dollars, or by imprisonment not exceeding one year, or by both said punishments, in the discretion of the court.

Persons attempting to monopolize, &c., guilty of misdemeanor.

SEC. 3. Every contract, combination in form of trust or otherwise, or conspiracy, in restraint of trade or commerce in any Territory of the United States or of the District of Columbia, or in restraint of trade or commerce between any such Territory and another, or between any such Territory or Territories and any State or States or the District of Columbia, or with foreign nations, or between the District of Columbia and any State or States or foreign nations, is hereby declared illegal.

Trusts, &c., in Territories or District of Columbia illegal.

Every person who shall make any such contract or engage in any such combination or conspiracy, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by fine not exceeding five thousand dollars, or by imprisonment not exceeding one year, or by both said punishments, in the discretion of the court.

Persons engaged in such combinations guilty of misdemeanor.

SEC. 4. The several circuit courts of the United States are hereby invested with jurisdiction to prevent and restrain violations of this act; and it shall be the duty of the several district attorneys of the United States, in their respective districts, under the direction of the Attorney-General, to institute proceedings in equity to prevent and restrain such violations.

Jurisdiction of United States circuit courts; duty of district attorneys, &c.

Such proceedings may be by way of petition setting forth the case and praying that such violation shall be enjoined or otherwise prohibited.

Procedure.

When the parties complained of shall have been duly notified of such petition the court shall proceed, as soon as may be, to the hearing and determination of the case; and pending such petition and before final decree, the court may at any time make such temporary restraining order or prohibition as shall be deemed just in the premises.

Hearing, and temporary restraining order.

SEC. 5. Whenever it shall appear to the court before which any proceeding under section four of this act may be pending, that the ends of justice require that other parties should be brought before the court, the court may cause them to be summoned, whether they reside in the district in which the court is held or not; and subpoenas to that end may be served in any district by the marshal thereof.

Other parties, how brought in.

SEC. 6. Any property owned under any contract or by any combination, or pursuant to any conspiracy (and being the subject thereof) mentioned in section one of this act, and being in the course of transportation from one State to another, or to a foreign country, shall be forfeited to the United States, and may be seized and condemned by like proceedings as those provided by law for the forfeiture, seizure, and condemnation of property imported into the United States contrary to law.

Property of trusts in transit forfeited.

SEC. 7. Any person who shall be injured in his business or property by any other person or corporation by reason of anything forbidden or declared to be unlawful by this act, may sue therefor in any circuit court of the United States in the district in which the defendant resides or is found, without respect to the amount in controversy, and shall recover three fold the damages by him sustained, and the costs of suit, including a reasonable attorney's fee.

Damages to persons injured.

“Person,” or
“persons,” de-
fined.
R. S., § 1.

SEC. 8. That the word “person,” or “persons,” wherever used in this act shall be deemed to include corporations and associations existing under or authorized by the laws of either the United States, the laws of any of the Territories, the laws of any State, or the laws of any foreign country. [*July 2, 1890.*]

July 2, 1890.

26 Stat. L., 212.

CHAP. 650.—An act to amend an act entitled “An act to extend the fees of certain officers over the Territories of New Mexico and Arizona.”

New Mexico and
Arizona:

Compensation
of marshals and
attorneys.

R. S., §§ 823–830,
837.

1882, Aug. 7, ch.
436, *ante*, p. 383.

Be it enacted, &c., That the marshals and district attorneys of the Territories of New Mexico and Arizona respectively shall be allowed to retain of their fees and emoluments such sum as shall be necessary to make their whole compensation including salary six thousand dollars per year each, if such fees and emoluments shall be sufficient therefor, and all fees or moneys received by them respectively above such amount shall be paid into the Treasury of the United States, and their accounts shall be made, audited, returned and settled at the same times and in the same manner that the accounts of other marshals and district attorneys are required to be made, audited, returned and settled [*July 2, 1890.*]

July 2, 1890.

CHAP. 651.—An act to provide for a term of court at Danville, Illinois.

26 Stat. L., 212.

Illinois, South-
ern judicial dis-
trict, terms of
court at Danville.

R. S., §§ 572, 658.

1888, Aug. 7, ch.
788, *ante*, p. 606.

Deputy mar-
shal and clerk; of-
fice at Danville.

Special terms on
order of judges.

Be it enacted, &c., That hereafter, and until otherwise provided by law, there shall be held annually, on the first Monday of May, a term of the circuit and district courts of the United States for the Southern district of Illinois, at the city of Danville, in said district, said term to be in addition to the terms now required by law to be held in the cities of Springfield, Cairo, and Quincy, in said district.

SEC. 2. That the marshal and clerk of said district shall each, respectively, appoint at least one deputy to reside in said city of Danville, unless he shall reside there himself, and also maintain an office at that place of holding court.

SEC. 3. That the judges of the United States circuit or district court for said district may, by order, from time to time, appoint and hold additional special terms of said court in said district for the disposal of the unfinished business thereof, whenever the interests of the public and the condition of the docket shall so require. [*July 2, 1890.*]

July 3, 1890.

26 Stat. L., 215.

Preamble.

CHAP. 656.—An act to provide for the admission of the State of Idaho into the Union (1).

Whereas, The people of the Territory of Idaho (2) did, on the fourth day of July, eighteen hundred and eighty-nine, by a convention of delegates called and assembled for that purpose, form for themselves a constitution, which constitution was ratified and adopted by the people of said Territory at an election held therefor on the first Tuesday in November, eighteen hundred and eighty-nine, which constitution is republican in form and is in conformity with the Constitution of the United States; and

Whereas, Said convention and the people of said Territory have asked the admission of said Territory into the Union of States on an equal footing with the original States in all respects whatever: Therefore.

NOTES.—(1) The acts admitting North Dakota, South Dakota, Montana, and Washington, 1889, Feb. 22, ch. 180, *ante*, p. 645, and Wyoming, 1890, July 10, ch. 664, *post*, p. 768, contain provisions like those of this act.

(2) The Territory of Idaho was created by the act of 1862, March 3, ch. 117, 12 Stat. L., 806

Be it enacted, &c., That the State of Idaho is hereby declared to be a State of the United States of America, and is hereby declared admitted into the Union on an equal footing with the original States in all respects whatever; and that the constitution which the people of Idaho have formed for themselves be, and the same is hereby, accepted, ratified, and confirmed.

Idaho admitted as a new State.

SEC. 2. That the said State shall consist of all the Territory described as follows: Beginning at the intersection of the thirty-ninth meridian with the boundary line between the United States and the British Possessions, then following said meridian south until it reaches the summit of the Bitter Root Mountains; thence southeastward along the crest of the Bitter Root range and the continental divide until it intersects the meridian of thirty-four degrees of longitude; thence southward on this meridian to the forty-second parallel of latitude; thence west on this parallel of latitude to its intersection with a meridian drawn through the mouth of the Owyhee; north on this meridian to the mouth of the Owyhee River; thence down the mid-channel of the Snake River to the mouth of the Clearwater River; and thence north on the meridian which passes through the mouth of the Clearwater to the boundary-line between the United States and the British Possessions, and east on said boundary-line to the place of beginning.

State boundaries.

SEC. 3. [Temporary provision for representation and election.]

SEC. 4. That sections numbered sixteen and thirty-six in every township of said State, and where such sections, or any parts thereof, have been sold or otherwise disposed of by or under the authority of any act of Congress, other lands equivalent thereto, in legal subdivisions of not less than one quarter section, and as contiguous as may be to the section in lieu of which the same is taken, are hereby granted to said State for the support of common schools, such indemnity lands to be selected within said State in such manner as the legislature may provide, with the approval of the Secretary of the Interior.

School lands granted.

R. S., §§ 1946, 2275, 2276.
1891, Feb. 28, ch. 384, post, p. 898.

SEC. 5. That all lands herein granted for educational purposes shall be disposed of only at public sale, the proceeds to constitute a permanent school fund, the interest of which only shall be expended in support of said schools.

Sale of school lands.

But said lands may, under such regulations as the legislature shall prescribe, be leased for periods of not more than five years, and such lands shall not be subject to pre-emption, homestead entry, or any other entry under the land laws of the United States, whether surveyed or unsurveyed, but shall be reserved for school purposes only.

May be leased.

SEC. 6. That fifty sections of the unappropriated public lands within said State, to be selected and located in legal subdivisions as provided in section four of this act, shall be, and are hereby, granted to said State for the purpose of erecting public buildings at the capital of said State for legislative, executive, and judicial purposes.

Lands for public buildings.

SEC. 7. That five per centum of the proceeds of the sales of public lands lying within said State which shall be sold by the United States subsequent to the admission of said State into the Union, after deducting all the expenses incident to the same, shall be paid to the said State, to be used as a permanent fund, the interest of which only shall be expended for the support of the common schools within said State.

Five per cent. of net proceeds, sales of public lands, for common schools fund.

SEC. 8. That the lands granted to the Territory of Idaho by the act of February eighteenth, eighteen hundred and eighty-one, entitled "An act to grant lands to Dakota, Montana, Arizona, Idaho, and Wyoming for university purposes," are hereby vested in the State of Idaho to the extent of the full quantity of seventy-two sections to said State, and any portion of said lands that may not have been selected by said Territory of Idaho may be selected by the said State;

University lands to vest in State, &c.

1881, Feb. 18, ch. 61, ante, p. 316.

To be sold at not less than \$10 per acre.

Proceeds to constitute university fund.

Schools to be under State control.

Proceeds of lands not for sectarian schools.

Lands for agricultural college.

1862, July 2, ch. 130 (12 Stat. L., 503).

1866, July 23, ch. 209 (14 Stat. L., 208).

Lands in lieu of internal improvements, swamp and saline grants.

1841, Sept. 4, ch. 16, § 8 (5 Stat. L., 455).

1850, Sept. 28, ch. 84, § 4 (9 Stat. L., 521).

R. S., §§ 2378, 2379, 2479.

1877, Jan. 12, ch. 18, and note, *ante*, p. 127.

Scientific school.

Normal schools.

Insane asylum.

State University.

Penitentiary.

Other institutions.

Minimum price of sale.

No further grants.

Grant limited to specific use.

Mineral lands not granted.

Other lands granted in lieu.

R. S., §§ 2275, 2276.

1891, Feb. 28, ch. 384, *post*, p. 898.

Selections to be under direction of Secretary of the Interior.

Former donations to be deducted.

but said act of February eighteenth, eighteen hundred and eighty-one, shall be so amended as to provide that none of said lands shall be sold for less than ten dollars per acre, and the proceeds shall constitute a permanent fund to be safely invested and held by said State, and the income thereof be used exclusively for university purposes.

The schools, colleges, and universities provided for in this act shall forever remain under the exclusive control of the said State,

And no part of the proceeds arising from the sale or disposal of any lands herein granted for educational purposes shall be used for the support of any sectarian or denominational school, college, or university.

SEC. 9. [*Grants property of United States to Idaho; executed.*]

SEC. 10. That ninety thousand acres of land, to be selected and located as provided in section four of this act, are hereby granted to said State for the use and support of an agricultural college in said State, as provided in the acts of Congress making donations of lands for such purposes.

1883, March 3, ch. 102, *ante*, p. 402.

SEC. 11. That in lieu of the grant of land for purposes of internal improvement made to the new States by the eighth section of the act of September fourth, eighteen hundred and forty-one, which section is hereby repealed as to the State of Idaho, and in lieu of any claim or demand by the said State under the act of September twenty-eighth, eighteen hundred and fifty, and section twenty four hundred and seventy nine of the Revised Statutes, making a grant of swamp and overflowed lands to certain States, which grant it is hereby declared is not extended to the State of Idaho, and in lieu of any grant of saline lands to said State the following grants of lands are hereby made, to wit:

To the State of Idaho: For the establishment and maintenance of a scientific school, one hundred thousand acres:

For State Normal schools, one hundred thousand acres;

For the support and maintenance of the insane-asylum located at Blackfoot, fifty thousand acres;

For the support and maintenance of the State University located at Moscow, fifty thousand acres;

For the support and maintenance of the penitentiary located at Boise City, fifty thousand acres;

For other State, charitable, educational, penal, and reformatory institutions, one hundred and fifty thousand acres.

None of the lands granted by this act shall be sold for less than ten dollars an acre.

SEC. 12. That the State of Idaho shall not be entitled to any further or other grants of land for any purpose than as expressly provided in this act.

And the lands granted by this section shall be held, appropriated, and disposed of exclusively for the purpose herein mentioned, in such manner as the legislature of the State may provide.

SEC. 13. That all mineral lands shall be exempted from the grants by this act.

But if sections sixteen and thirty-six, or any subdivision, or portion of any smallest subdivision thereof in any township shall be found by the Department of the Interior to be mineral lands, the said State is hereby authorized and empowered to select, in legal subdivisions, an equal quantity of other unappropriated lands in said State, in lieu thereof, for the use and the benefit of the common schools of said State.

SEC. 14. That all lands granted in quantity or as indemnity by this act shall be selected, under the direction of the Secretary of the Interior, from the surveyed unreserved, and unappropriated public lands of the United States within the limits of the State entitled thereto.

And there shall be deducted from the number of acres of land donated by this act for specific objects to said State the number of

acres heretofore donated by Congress to said Territory for similar objects.

SEC. 15. [*Appropriation for convention expenses.*]

SEC. 16. That the said State shall constitute a judicial district, the name thereof to be the same as the name of the State;

Idaho, a judicial district.

And the circuit and district courts therefor shall be held at the capital of the State for the time being,

U. S. courts to be held at capital.

And the said district shall, for judicial purposes, until otherwise provided, be attached to the ninth judicial circuit.

Attached to ninth circuit.

There shall be appointed for said district one district judge, one United States attorney, and one United States marshal. The judge of the said district shall receive a yearly (3) salary of three thousand five hundred dollars, payable in four equal installments, on the first days of January, April, July, and October of each year, and shall reside in the district.

Judge, attorney marshal.

There shall be appointed clerks of said courts, in the said district, who shall keep their offices at the capital of said State.

Clerks.

The regular terms of said courts shall be held in said district, at the place aforesaid, on the first Monday in April and the first Monday in November of each year, and only one grand jury and one petit jury shall be summoned in both said circuit and district courts.

Terms.

The circuit and district courts for said district, and the judges thereof, respectively, shall possess the same powers and jurisdiction, and perform the same duties required to be performed by the other circuit and district courts and judges of the United States, and shall be governed by the same laws and regulations.

Jurisdiction, &c.

The marshal, district attorney, and clerks of the circuit and district courts of said district, and all other officers and persons performing duties in the administration of justice therein, shall severally possess the powers and perform the duties lawfully possessed and required to be performed by similar officers in other districts of the United States; and shall, for the services they may perform, receive the fees and compensation allowed by law to other similar officers and persons performing similar duties in the State of Oregon.

Powers, duties, and fees of officers.

R. S., §§ 824-830.

SECS. 17, 18. [*Relate to cases pending in courts.*]

SEC. 19. That from and after the admission of said State into the Union, in pursuance of this act, the laws of the United States not locally inapplicable shall have the same force and effect within the said State as elsewhere within the United States.

Operation of United States laws.

SEC. 20. That the legislature of the said State may elect two Senators of the United States as is provided by the constitution of said State, and the Senators and Representative of said State shall be entitled to seats in Congress and to all the rights and privileges of Senators and Representatives of other States in the Congress of the United States.

United States Senators and Representatives to have all rights and privileges.

1891, Feb. 7, ch. 116, *post*, p. 888.

SEC. 21. That until the State officers are elected and qualified under the provisions of the constitution of said State, the officers of the Territory of Idaho shall discharge the duties of their respective offices under the constitution of the State, in the manner and form as therein provided;

Territorial officers to hold over, &c., until after State election.

And all laws in force made by said Territory, at the time of its admission into the Union, shall be in force in said State, except as modified or changed by this act or by the constitution of the State.

Existing Territorial laws to be in force unless modified.

SEC. 22. That all acts or parts of acts in conflict with the provisions of this act, whether passed by legislature of said Territory or by Congress, are hereby repealed. [*July 3, 1890.*]

Repeal provision.

July 10, 1890.

CHAP. 664.—An act to provide for the admission of the State of Wyoming into the Union, and for other purposes. (1)

26 Stat. L., 222.

Preamble.

Whereas, the people of the Territory of Wyoming (2) did, on the thirtieth day of September, eighteen hundred and eighty-nine, by a convention of delegates called and assembled for that purpose, form for themselves a constitution, which constitution was ratified and adopted by the people of said Territory at the election held therefor on the first Tuesday in November, eighteen hundred and eighty-nine, which constitution is republican in form and is in conformity with the Constitution of the United States; and

Whereas, said convention and the people of the said Territory have asked the admission of said Territory into the Union of States on an equal footing with the original States in all respects whatever; Therefore,

Wyoming admitted as a new State.

Be it enacted, &c., That the State of Wyoming is hereby declared to be a State of the United States of America, and is hereby declared admitted into the Union on an equal footing with the original States in all respects whatever; and that the constitution which the people of Wyoming have formed for themselves be, and the same is hereby, accepted, ratified, and confirmed.

State boundaries.

SEC. 2. That the said State shall consist of all the territory included within the following boundaries, to wit: 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:

Reservation of Yellowstone National Park not affected.

Provided, That nothing in this act contained shall repeal or affect any act of Congress relating to the Yellowstone National Park, (3) or the reservation of the Park as now defined, or as may be hereafter defined or extended, or the power of the United States over it; and nothing contained in this act shall interfere with the right and ownership of the United States in said park and reservation as it now is or may hereafter be defined or extended by law; but exclusive legislation, in all cases whatsoever, shall be exercised by the United States, which shall have exclusive control and jurisdiction over the same; but nothing in this proviso contained shall be construed to prevent the service within said park of civil and criminal process lawfully issued by the authority of said State;

No indemnity school lands for those in park.

And the said State shall not be entitled to select indemnity school lands for the sixteenth and thirty-six sections that may be in said park reservation as the same is now defined or may be hereafter defined.

School lands granted.

SEC. 3. [*Provides for next election and is temporary.*]

R. S., §§ 1946, 2276.

SEC. 4. That sections numbered sixteen and thirty-six in every township of said proposed State, and where such sections, or any parts thereof, have been sold or otherwise disposed of by or under the authority of any act of Congress, other lands equivalent thereto, in legal subdivisions of not less than one quarter section, and as contiguous as may be to the section in lieu of which the same is taken, are hereby granted to said State for the support of common schools, such indemnity lands to be selected within said State in such manner as the legislature may provide, with the approval of the Secretary of the Interior:

1891, Feb. 28, ch. 384, *post*, p. 898.

1891, March 3, ch. 543, § 38, *post*, p. 930.

NOTES.—(1) Admission of North and South Dakota, Montana, and Washington, 1889, Feb. 22, ch. 180, *ante*, p. 645; admission of Idaho, 1890, July 3, ch. 656, *ante*, p. 764.

(2) The Territory of Wyoming was created by act of 1868, July 25, ch. 235 (15 Stat. L., 178).

(3) The Yellowstone National Park is reserved by R. S., § 2474, and placed under the control of the Secretary of the Interior by § 2475, with power to make regulations for its care. By 1883, March 3, ch. 143 (22 Stat. L., 636), provision is made for a superintendent and assistants to reside in the park, leases are authorized of small tracts, and the Secretary of War is authorized to detail troops to protect the park. The first of these provisions, apparently temporary, is repeated in two subsequent appropriation acts (23 Stat. L., 211, 499), but not later. The others are permanent.

By 1891, March 3, ch. 561, § 24, *post*, p. 947, the President is authorized to reserve forest lands. By 1891, March 30 (Proc. No. 17, 26 Stat. L., 1565), he reserved a tract adjoining the Yellowstone Park on the south.

Provided, That section six of the act of Congress of August ninth, eighteen hundred and eighty-eight, entitled "An act to authorize the leasing of the school and university lands in the Territory of Wyoming, and for other purposes," shall apply to the school and university indemnity lands of the said State of Wyoming so far as applicable.

SEC. 5. That all lands herein granted for educational purposes shall be disposed of only at public sale, the proceeds to constitute a permanent school fund, the interest of which only shall be expended in the support of said schools.

But said lands may, under such regulations as the legislature shall prescribe, be leased for periods of not more than five years, in quantities not exceeding one section to any one person or company;

And such land shall not be subject to pre-emption, homestead entry, or any other entry under the land laws of the United States, whether surveyed or unsurveyed, but shall be reserved for school purposes only.

SEC. 6. That fifty sections of the unappropriated public lands within said State, to be selected and located in legal subdivisions as provided in section four of this act, shall be, and are hereby, granted to said State for the purpose of erecting public buildings at the capital of said State.

SEC. 7. That five per centum of the proceeds of the sales of public lands lying within said State which shall be sold by the United States subsequent to the admission of said State into the Union, after deducting all the expenses incident to the same, shall be paid to the said State, to be used as a permanent fund, the interest of which only shall be expended for the support of the common schools within said State.

SEC. 8. That the lands granted to the Territory of Wyoming by the act of February eighteenth, eighteen hundred and eighty-one, entitled "An act to grant lands to Dakota, Montana, Arizona, Idaho, and Wyoming for university purposes," are hereby vested in the State of Wyoming, to the extent of the full quantity of seventy-two sections to said State, and any portion of said lands that may not have been selected by said Territory of Wyoming may be selected by the said State;

But said act of February eighteenth, eighteen hundred and eighty-one, shall be so amended as to provide that none of said lands shall be sold for less than ten dollars per acre, and the proceeds shall constitute a permanent fund to be safely invested and held by said State and the income thereof be used exclusively for university purposes.

The schools, colleges, and universities provided for in this act shall forever remain under the exclusive control of the said State,

And no part of the proceeds arising from the sale or disposal of any lands herein granted for educational purposes shall be used for the support of any sectarian or denominational school, college, or university.

The section of land granted by the act of May twenty-eighth, eighteen hundred and eighty-eight, to the Territory of Wyoming for a fish hatchery and other public purposes shall, upon the admission of said State of Wyoming into the Union, become the property of said State.

SEC. 9. [*Grants penitentiary and personal property; executed.*]

SEC. 10. That ninety thousand acres of land, to be selected and located as provided in section four of this act, are hereby granted to said State for the use and support of an agricultural college in said State as provided in the acts of Congress making donations of lands for such purpose.

SEC. 11. That in lieu of the grant of land for purposes of internal improvement made to new States by the eighth section of the act of September fourth, eighteen hundred and forty-one, which section is

Indemnity school lands granted. 1868, Aug. 9, ch. 819 *ante*, p. 609.

School lands to be sold at public sale.

Leases may be made not over five years.

School lands not subject to entry under U. S. laws.

Lands granted for public buildings.

Five per cent. net proceeds of public land sales for school fund.

University lands, title vested in the State. 1881, Feb. 18, ch. 61 *ante*, p. 316.

To be sold at not less than \$10 per acre.

Proceeds to constitute a university fund.

Schools to be under State control.

Proceeds of lands not for sectarian schools.

Fish-hatchery land transferred to State.

1888, May 28, ch. 319 (25 Stat. L., 158).

Lands for agricultural college.

1862, July 2, ch. 130 (12 Stat. L., 503). 1866, July 23, ch. 209 (14 Stat. L., 402). *ante*, p. 402.

Lands in lieu of internal improvement, swamp and saline grants.

- 1841, Sept. 4, ch. 16, § 8, (5 Stat. L., 455.)
- 1850, Sept. 28, ch. 84, (9 Stat. L., 521.)
- R. S., §§ 2378, 2379, 2479.
- 1877, Jan. 12, ch. 18, and note, ante, p. 127.
- Insane asylum.
- Reform institution.
- Penitentiary.
- Fish-hatchery.
- Poor farm.
- Miner's hospital.
- Public buildings at capital.
- Other institutions.
- Minimum price of sale.
- No further grants.
- Grants limited to specific uses.
- Mineral lands exempt.
- School lands in lieu.
- R. S., §§ 2275, 2276.
- 1891, Feb. 28, ch. 384, post, p. 898.
- Selections to be under direction of Secretary of Interior.
- Deductions to be made for prior grants.
- Circuit and district courts established.
- Judge, attorney, marshal.
- hereby repealed as to the State of Wyoming, and in lieu of any claim or demand by the said State under the act of September twenty-eighth, eighteen hundred and fifty, and section twenty-four hundred and seventy-nine of the Revised Statutes, making a grant of swamp and overflowed lands to certain States, which grant it is hereby declared is not extended to the State of Wyoming, and in lieu of any grant of saline lands to said State, the following grants of land are hereby made, to wit:
- To the State of Wyoming: For the establishment and maintenance and support in the said State of the insane asylum in Uinta County, thirty thousand acres;
- For the penal, reform, or educational institution in course of construction in Carbon County, thirty thousand acres;
- For the penitentiary in Albany County, thirty thousand acres,
- For the fish-hatchery in Albany County, five thousand acres;
- For the deaf, dumb, and blind asylum in Laramie County, thirty thousand acres;
- For the poor farm in Fremont County, ten thousand acres;
- For a hospital for miners who shall become disabled or incapacitated to labor while working in the mines of the State, thirty thousand acres;
- For public buildings at the capital of the State, in addition to those hereinbefore granted for that purpose, seventy-five thousand acres;
- For State charitable, educational, penal, and reformatory institutions, two hundred and sixty thousand acres.
- Making a total of five hundred thousand acres:
- Provided, That none of the lands granted by this act shall be sold for less than ten dollars per acre.
- SEC. 12. That the State of Wyoming shall not be entitled to any further or other grants of land for any purpose than as expressly provided in this act;
- And the lands granted by this section shall be held, appropriated, and disposed of exclusively for the purposes herein mentioned, in such manner as the legislature of the State may provide.
- SEC. 13. That all mineral lands shall be exempted from the grants made by this act.
- But if sections sixteen and thirty-six, or any subdivision or portion of any smallest subdivision thereof in any township, shall be found by the Department of the Interior to be mineral lands, said State is hereby authorized and empowered to select, in legal subdivisions, an equal quantity of other unappropriated lands in said State in lieu thereof, for the use and benefit of the common schools of said State.
- SEC. 14. That all lands granted in quantity or as indemnity by this act shall be selected, under the direction of the Secretary of the Interior, from the surveyed, unreserved and appropriated public lands of the United States within the limits of the State entitled thereto.
- And there shall be deducted from the number of acres of land donated by this act for specific objects to said State the number of acres heretofore donated by Congress to said Territory for similar subjects.
- SEC. 15. [*Appropriations for convention expenses.*]
- SEC. 16. That the said State, when admitted as aforesaid, shall constitute a judicial district, the name thereof to be the same as the name of the State; and the circuit and district courts therefor shall be held at the capital of the State for the time being, and the said district shall, for judicial purposes, until otherwise provided, be attached to the eighth judicial circuit.
- There shall be appointed for said district one district judge, one United States attorney, and one United States marshal. The judge of said district shall receive a yearly (4) salary of three thousand five

NOTE.—(4) Increased to \$5,000 by 1891, Feb. 27, ch. 287, post, p. 896, and payable monthly by 1891, March 3, ch. 541, par. 11, post, p. 927.

hundred dollars, payable in four equal installments, on the first days of January, April, July, and October of each year and shall reside in the district.

There shall be appointed clerks of said courts in the said district, who shall keep their offices at the capital of said State. The regular terms of said courts shall be held in said district at the place aforesaid on the first Monday in April and the first Monday in November of each year, and only one grand jury and one petit jury shall be summoned in both said circuit and district courts.

The circuit and district courts for said district, and the judges thereof, respectively shall possess the same powers and jurisdiction, and perform the same duties required to be performed by the other circuit and district courts and judges of the United States, and shall be governed by the same laws and regulations.

The marshal, district attorney, and clerks of the circuit and district courts of said district, and all other officers and persons performing duties in the administration of justice therein, shall severally possess the powers and perform the duties lawfully possessed and required to be performed by similar officers in other districts of the United States; and shall, for the services they may perform, receive the fees and compensation allowed by law to other similar officers and persons performing similar duties in the State of Oregon.

SECS. 17, 18. [*Relate to cases pending in courts.*]

SEC. 19. That the legislature of the said State may elect two Senators of the United States as is provided by the constitution of said State, and the Senators and Representatives of said State shall be entitled to be admitted to seats in Congress and to all the rights and privileges of Senators and Representatives of other States in the Congress of the United States.

SEC. 20. [*Officers until State elections.*]

SEC. 21. That from and after the admission of said State into the Union, in pursuance of this act, the laws of the United States, not locally inapplicable, shall have the same force and effect within the said State as elsewhere within the United States; and all laws in force made by said Territory, at the time of its admission into the Union, until amended or repealed, shall be in force in said State, except as modified or changed by this act or by the constitution of the State, and all acts or parts of acts in conflict with the provisions of this act, whether passed by a legislature of said Territory or by Congress, are hereby repealed [*July 10, 1890.*]

Clerks.

Terms.

Juries.

Jurisdiction.

Powers, etc., of officers.
R. S., §§ 824-880.

Fees, etc.

United States Senators and Representatives to have all rights and privileges.

United States laws to have full force.

Existing Territorial laws in force until amended or repealed.

Conflicting laws repealed.

CHAP. 665.—An act to provide for an additional associate justice of the supreme court of the Territory of New Mexico.

July 10, 1890.

26 Stat. L., 226.

Be it enacted, &c., That hereafter the supreme court of the Territory of New Mexico shall consist of a chief justice and four associate justices, any three of whom shall constitute a quorum :

New Mexico, Supreme court to have chief justice and four associate justices.
R. S., 1864.

Provided, That the judge who presided at the trial of a cause in the court below shall not sit at the hearing of the same case on appeal, or writ of error, in the supreme court of the Territory.

SEC. 2. That it shall be the duty of the President to appoint one additional associate justice of said supreme court in manner now provided by law, who shall hold his office for the term of four years, and until his successor is appointed and qualified.

President to appoint.

SEC. 3. That the said Territory shall be divided into five judicial districts, and a district court shall be held in each district by one of the justices of the supreme court, at such time and place as is or may be prescribed by law. Each judge, after assignment, shall reside in the district to which he is assigned.

Territory divided into five districts.
Terms.

Supreme court to make division.

SEC. 4. That the present chief-justice and his associates are hereby vested with power and authority, and they are hereby directed, to divide said Territory into five judicial districts, and make such assignments of the judges provided for in the first section of this act as shall in their judgment be meet and proper.

Jurisdiction.

SEC. 5. That the said district court shall have jurisdiction, and the same is hereby vested, to hear, try, and determine all matters and causes that the courts of the other districts of the Territory now possess; and for such purposes two terms of said court shall be held annually, at such places within said district as may be designated by the chief-justice and his associates, or a majority of them; and grand and petit jurors shall be summoned therein in the manner now required by law.

SEC. 6. [*Relates to pending cases*]. [July 10, 1890.]

July 11, 1890.

26 Stat. L., 228.

CHAP. 667.—An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and ninety-one, and for other purposes.

Applications to Civil Service Commission to be accompanied by certificate of residence.

R. S., § 1753.
1883, Jan. 16, ch. 27, § 2, par. 2, sub-par. 3, *ante*, p. 393.
— not to apply to promotion, &c.

Additional Assistant Secretary of the Treasury authorized.

R. S., § 234.
Repairs, &c., of standard weights and measures, how ordered.

1836, Res. No. 7, (5 Stat. L., 133).
1881, March 3, Res. No. 26, *ante*, p. 329.

Surgeon-General's Office, emergency printing.
1886, July 31, ch. 327; 1888, Mar. 30, ch. 47, par. 1; *ante*, pp. 505, 582.

Assistant Secretary of the Navy.
R. S., § 416.
1891, March 3, ch. 541, par. 8, *post*, p. 927.

General Land Office, assistant commissioner authorized.

R. S., § 448.

Be it enacted, &c. * * [Par. 1.] That hereafter every application for examination before the Civil Service Commission for appointment in the Departmental service in the District of Columbia, shall be accompanied by a certificate of an officer, with his official seal attached, of the county and State of which the applicant claims to be a citizen, that such applicant was, at the time of making such application, an actual and bona-fide resident of said county, and had been such resident for a period of not less than six months next preceding;

But this provision shall not apply to persons who may be in the service and seek promotion or appointment in other branches of the Government. * *

[Par. 2.] For an additional Assistant Secretary of the Treasury to be appointed by the President, by and with the advice and consent of the Senate, who shall receive a compensation at the rate of four thousand five hundred dollars per annum. * *

[Par. 3.] Office of Construction of Standard Weights and Measures: * * That hereafter such necessary repairs and adjustments shall be made to the standards furnished to the several States and Territories as may be requested by the governors thereof, and also to standard weights and measures that have been, or may hereafter be, supplied to United States custom-houses and other offices of the United States, under act of Congress, when requested by the Secretary of the Treasury. * *

[Par. 4.] That so much of the printing for the office of the Surgeon-General of the Army as is required to meet emergencies or to expedite the work of that office may, when practicable, be done in the office of the Adjutant-General, or of the Chief of Ordnance, as the Secretary of War may direct.

[Par. 5.] For an assistant Secretary of the Navy, to be appointed, from civil life, by the President, by and with the advice and consent of the Senate, who shall receive a compensation, at the rate of four thousand five hundred dollars per annum. * *

[Par. 6.] General Land Office: * * One assistant commissioner, to be appointed by the President, by and with the advice and consent of the Senate, who shall be authorized to sign such letters, papers, and documents, and to perform such other duties as may be directed by the Commissioner, and shall act as Commissioner in the absence of that officer, or in case of a vacancy in the office of Commissioner, three thousand five hundred dollars; (1) * *

NOTE.—(1) This provision is repeated in the appropriation act for 1891 (26 Stat. L., 987).

[Par. 7.] United States Patent Office: * * That hereafter the Official Gazette may be exchanged for publications of a scientific or useful character published in this or any foreign country adapted to the needs and uses of the scientific library of the Patent Office. * *

Patent Office Official Gazette may be exchanged, &c.

[Par. 8.] And the Postmaster-General shall furnish any person who may apply, in writing, copies of any sheets of the post-office maps at the cost of printing and ten per centum thereon, the proceeds of such sales to be used as a further appropriation for the preparation and publication of post-route maps (2). * *

Post-route maps, how sold.

R. S., § 3809. 1878, June 17, ch. 259, § 2, ante, p. 187.

[Par. 9.] For an additional assistant Attorney-General to be appointed by the President, by and with the advice and consent of the Senate, who shall receive a compensation at the rate of five thousand dollars per annum, * *

Additional Assistant Attorney-General.

R. S., § 848.

SEC. 2. * * That hereafter it shall be the duty of the heads of the several executive Departments of the Government to report to congress each year in the annual estimates the number of employees in each bureau and office and the salaries of each who are below a fair standard of efficiency.

Annual reports of number and salaries of employees who are below standard of efficiency.

R. S., § 194.

Repeal.

SEC. 3. That all acts or parts of acts inconsistent or in conflict with the provisions of this act are hereby repealed. [July 11, 1890.]

NOTE.—(2) This provision is repealed in the appropriation act for 1891 (26 Stat. L., 937).

CHAP. 706.—An act making appropriations for the diplomatic and consular service of the United States for the fiscal year ending June thirtieth, eighteen hundred and ninety-one.

July 14, 1890.

26 Stat. L., 272.

Be it enacted, &c. * * (1) For the purpose of paying for the keeping and feeding of prisoners in China, Corea, Japan, Siam, and Turkey, * * : *Provided*, That no more than seventy-five cents per day for the keeping and feeding of each prisoner while actually confined shall be allowed or paid for any such keeping and feeding; this is not to be understood as covering cost of medical attendance and medicines when required by such prisoners:

Keeping and feeding prisoners in China, Corea, Japan, Siam, and Turkey.

—maximum allowance.

And provided further, That no allowance shall be made for the keeping and feeding of any prisoner who is able to pay, or does pay, the above sum of seventy-five cents per day;

No allowance to self-supporting prisoners.

And the consular officer shall certify to the fact of inability in every case. * * [July 14, 1890.]

Certificate.

NOTE.—(1) This provision is repeated in the subsequent appropriation act (26 Stat. L., 1061). Similar provisions appear in prior appropriation acts.

CHAP. 707.—An act making appropriation for the Department of Agriculture for fiscal year ending June thirtieth, anno Domini eighteen hundred and ninety-one.

July 14, 1890.

26 Stat. L., 282.

Be it enacted, &c., * * [Par. 1.] (1) An equal proportion of two-thirds of all seeds, trees, shrubs, vines, cuttings, and plants shall upon their request be supplied to Senators, Representatives, and Delegates in Congress for distribution among their constituents;

Seeds, &c., to members of Congress for distribution.

And the persons receiving such seeds shall be requested to inform the Department of results of the experiments therewith:

Department to be informed of experiments.

Provided, That all seeds, plants, and cuttings herein allotted to Senators, Representatives, and Delegates to Congress for distribution remaining uncalled for at the end of the fiscal year shall be distributed by the Secretary of Agriculture:

Seeds, &c., not called for to be distributed by Department.

And provided also, That the Secretary shall report, (2) as pro-

Report of purchase of seeds.

NOTE.—(1) This paragraph, except the last proviso, has appeared in every agricultural appropriation act beginning with 1890, June 16, ch. 252 (21 Stat. L., 294). The last proviso has appeared in every such act since 1892, May 19, ch. 171 (22 Stat. L., 90). Slight alterations have occurred from time to time. The act of 1891, March 3, ch. 344 (26 Stat. L., 1045), repeats the whole paragraph.

It is questionable to what extent, if at all, its provisions can be considered permanent, or whether each is in force only in relation to the particular appropriation made by the act in which each appears.

For the annual provisions see 21 Stat. L., 234, 352; 22 Stat. L., 90, 410; 23 Stat. L., 38, 355; 24 Stat. L., 102, 498; 25 Stat. L., 332, 838; 26 Stat. L., 286, 1048.

(2) There is no other provision in this act relative to report of seeds purchased.

vided in this act, the place, quantity, and price of seed purchased, and the date of purchase,

Secretary may send seeds to applicants.

R. S., § 527.

Appropriation not to be diverted.

R. S., § 3678.

Distribution to members of Congress to be of suitable seeds of equal value.

Secretary of Agriculture to perform all duties of Commissioner.

1884, May 29, ch. 60, *ante*, p. 435.

1889, Feb. 9, ch. 123, and references to § 4, *ante*, p. 641.

But nothing in this paragraph shall be construed to prevent the Secretary of Agriculture from sending flower, garden, and other seeds to those who apply for the same.

And the amount herein appropriated shall not be divided or used for any other purpose, but for the purchase, propagation, and distribution of improved and valuable seeds, bulbs, trees, shrubs, vines, cuttings, and plants.

Provided however, That the Secretary shall not distribute to any Senator, Representative, or Delegate seeds entirely unfit for the climate and locality he represents, but shall distribute the same so that each member may have seeds of equal value, as near as may be, and the best adapted to the locality he represents. * *

[*Par. 2.*] The authority granted to the Commissioner of Agriculture by the act of May twenty-nine, eighteen hundred and eighty-four, establishing the Bureau of Animal Industry, and by the provisions of the appropriation act for the Agricultural Department, approved July eighteenth, eighteen hundred and eighty-eight, (3) relating to said Bureau, is hereby vested in the Secretary of Agriculture;

And the said Secretary is hereby authorized and directed to perform all the duties named in said acts and all other acts of Congress in force on February eighth, eighteen hundred and eighty-nine, to be performed by the Commissioner of Agriculture. * * [July 14, 1890.]

NOTE.—(3) The authority granted by 1888, July 18, ch. 677, 25 Stat. L., 333, is limited to the use of the sum therein appropriated. It is substantially repeated, but amplified though not made permanent, by the appropriation acts of 1889, 25 Stat. L., 889, 1890, 26 Stat. L., 287, and 1891, 26 Stat. L., 1049.

The provision of the act of 1888, July 10, are as follows:
"Salaries and expenses Bureau of Animal Industry: For carrying out the provisions of the act of May twenty-ninth, eighteen hundred and eighty-four, establishing the Bureau of Animal Industry, five hundred thousand dollars; and the Commissioner of Agriculture is hereby authorized to use any part of this sum he may deem necessary or expedient, and in such manner as he may think best, to prevent the spread of pleuro-pneumonia, and for this purpose to employ as many persons as he may deem necessary, and to expend any part of this sum in the purchase and destruction of diseased or exposed animals and the quarantine of the same whenever in his judgment it is essential to prevent the spread of pleuro-pneumonia from one State into another."

See meat inspection act, 1890, Aug. 30, ch. 839, *post*, p. 744.

July 14, 1890.

CHAP. 708.—An act directing the purchase of silver bullion and the issue of Treasury notes thereon, and for other purposes (1).

26 Stat. L., 289.

Silver bullion to be purchased monthly.

R. S., § 3526.

1878, Feb. 28, ch. 20, *ante*, p. 152.

Treasury notes to be issued in payment.

1887, March 3, ch. 362, *par. 2, ante*, p. 563.

Be it enacted, &c., That the Secretary of the Treasury is hereby directed to purchase, from time to time, silver bullion to the aggregate amount of four million five hundred thousand ounces, or so much thereof as may be offered in each month, at the market price thereof, not exceeding one dollar for three hundred and seventy-one and twenty-five hundredths grains of pure silver,

And to issue in payment for such purchases of silver bullion Treasury notes of the United States to be prepared by the Secretary of the Treasury, in such form and of such denominations, not less than one dollar nor more than one thousand dollars, as he may prescribe, and a sum sufficient to carry into effect the provisions of this act is hereby

NOTE.—(1) Laws on silver coinage are as follows: By R. S. §§ 3518, 3516, the silver coins of the United States are limited to a trade dollar, a half dollar, a quarter dollar and a dime. By § 3526 silver bullion is to be purchased with the bullion fund. By § 3586 the silver coins of the United States are legal tender in amounts not exceeding \$5. By 1875, Jan. 14, ch. 15, *ante*, p. 58, fractional silver is to be issued in redemption of fractional currency. By 1876, Apr. 17, ch. 63, *ante*, p. 98, this is repeated with some amendments. By 1876, July 22, Res. No. 17, *ante*, p. 124, the silver coin in the Treasury is to be issued in exchange for legal tender notes. The issue of fractional silver to fifty million dollars is authorized. By 1878, Feb. 28, ch. 20, *ante*, p. 152, the coinage of the standard silver dollar and the issuance of silver certificates of \$10 or over is authorized. By 1879, June 9, ch. 12, *ante*, p. 264, fractional silver and law-ful money of the United States may be reciprocally exchanged at the Treasury or any sub-treasury in p. 360, free transportation of silver coins is authorized. By 1882, Aug. 7, ch. 433, *par. 5, ante*, issuance of silver certificates of one, two and five dollars is authorized in lieu of higher denominations. By the above act of 1890 important changes are made in the amount of silver coinage and Treasury notes instead of silver certificates, are to be issued on silver. By 1890, Sept. 26, ch. 944, *post*, p. 806, 1876, July 22, Res. No. 17, *ante*, p. 124, and by 1887, March 3, ch. 396, § 2, *ante*, p. 568 (24 Stat. L., 643), its coinage was terminated, and its redemption and recoinage into standard dollars was directed.

appropriated out of any money in the Treasury not otherwise appropriated.

SEC. 2. That the Treasury notes issued in accordance with the provisions of this act shall be redeemable on demand, in coin, at the Treasury of the United States, or at the office of any assistant treasurer of the United States, and when so redeemed may be reissued;

But no greater or less amount of such notes shall be outstanding at any time than the cost of the silver bullion and the standard silver dollars coined therefrom, then held in the Treasury purchased by such notes;

And such Treasury notes shall be a legal tender in payment of all debts, public and private, except where otherwise expressly stipulated in the contract, and shall be receivable for customs, taxes, and all public dues, and when so received may be reissued;

And such notes, when held by any national banking association, may be counted as a part of its lawful reserve.

That upon demand of the holder of any of the Treasury notes herein provided for the Secretary of the Treasury shall, under such regulations as he may prescribe, redeem such notes in gold or silver coin, at his discretion,

It being the established policy of the United States to maintain the two metals on a parity with each other upon the present legal ratio, or such ratio as may be provided by law.

SEC. 3. That the Secretary of the Treasury shall each month coin two million ounces of the silver bullion purchased under the provisions of this act into standard silver dollars until the first day of July eighteen hundred and ninety-one, and after that time he shall coin of the silver bullion purchased under the provisions of this act as much as may be necessary to provide for the redemption of the Treasury notes herein provided for, and any gain or seigniorage arising from such coinage shall be accounted for and paid into the Treasury.

SEC. 4. That the silver bullion purchased under the provisions of this act shall be subject to the requirements of existing law and the regulations of the mint service governing the methods of determining the amount of pure silver contained, and the amount of charges or deductions, if any, to be made.

SEC. 5. That so much of the act of February twenty-eighth, eighteen hundred and seventy-eight, entitled "An act to authorize the coinage of the standard silver dollar and to restore its legal-tender character," as requires the monthly purchase and coinage of the same into silver dollars of not less than two million dollars, nor more than four million dollars' worth of silver bullion, is hereby repealed.

SEC. 6. That upon the passage of this act the balances standing with the Treasurer of the United States to the respective credits of national banks for deposits made to redeem the circulating notes of such banks, and all deposits thereafter received for like purpose, shall be covered into the Treasury as a miscellaneous receipt, and the Treasury of the United States shall redeem from the general cash in the Treasury the circulating notes of said banks which may come into his possession subject to redemption;

And upon the certificate of the Comptroller of the Currency that such notes have been received by him and that they have been destroyed and that no new notes will be issued in their place, reimbursement of their amount shall be made to the Treasurer, under such regulations as the Secretary of the Treasury may prescribe from an appropriation hereby, created, to be known as 'National bank notes: Redemption account,

But the provisions of this act shall not apply to the deposits received under section three of the act of June twentieth, eighteen hundred and seventy-four, requiring every National bank to keep in

Notes to be redeemed in coin and may be reissued.

Amount outstanding.

Legal tender and receivable for all public dues.

Part of national bank reserve.

Redemption in gold or silver coin.

Policy of U. S. to maintain the two metals on a parity.

Monthly coinage of silver dollars. 1878, Feb. 28, ch. 20, § 1, ante, p. 152.

Seigniorage to be paid into Treasury.

Determination of amount of silver. R. S., §§ 3519-3523.

Repeal of purchase and coinage clause. 1878, Feb. 28, ch. 20, § 1, ante, p. 152, and 20 Stat. L., 25.

National bank deposits for redemption of circulation to be covered into Treasury. &c.

R. S., § 5222. 1874, June 20, ch. 343, § 4, ante, p. 27.

1882, July 12, ch. 290, §§ 9, 10, ante, p. 356.

Not to apply to five per cent. deposit for redemp-

tion of circula- lawful money with the Treasurer of the United States a sum equal
 tion. to five percentum of its circulation, to be held and used for the re-
 1874, June 20, demption of its circulating notes;
 ch. 343, § 3, *ante*;

p. 27. Monthly debt And the balance remaining of the deposits so covered shall, at the
 statement. close of each month, be reported on the monthly public debt state-
 ment as debt of the United States bearing no interest.

When act takes "SEC. 7. That this act shall take effect thirty days from and after
 effect. its passage." [July 14, 1890.]

July 26, 1890.

CHAP. 721.—An act to amend paragraph three of section forty-four hundred and fourteen of
 the Revised Statutes.

26 Stat. L., 292.

Inspection of Be it enacted, &c., That paragraph three of section forty-four
 steamboats at hundred and fourteen of the Revised Statutes of the United States
 Dubuque instead be amended as follows: "Strike out the word "Galena" in said
 of Galena. paragraph three and insert the word "Dubuque." [July 26, 1890.]
 R. S., § 4414.

August 6, 1890.

CHAP. 724.—An act making appropriations to provide for the expenses of the government of
 the District of Columbia for the fiscal year ending June thirtieth, eighteen hundred and
 ninety-one, and for other purposes.

26 Stat. L., 298.

Cashier to per- Be it enacted, &c. * * [Par. 1.] For Collector's Office: * *
 form duties of col- One cashier, one thousand eight hundred dollars, and such cashier
 lector in his shall hereafter, in the necessary absence or inability of the collector,
 absence. from any cause, perform his duties without any additional compensa-
 tion;

—bond.

And the collector may require the said cashier to give bond for
 the faithful performance of such duties during the absence or in-
 ability of the collector;

Collector to be But the collector shall in every respect be responsible, as now pro-
 responsible. vided by law, to the United States, the District of Columbia, and to
 individuals, as the case may be, for all moneys collected; * *

Chief clerk to [Par. 2.] For Auditor's Office: * * One chief clerk, who shall
 perform duties of hereafter, in the necessary absence or inability of the auditor from
 auditor in his any cause, perform his duties without additional compensation,
 absence.

—bond.

And the auditor may require the said chief clerk to give bond for
 the faithful performance of such duties during the absence or in-
 ability of the auditor;

Auditor to be But the auditor shall in every respect be responsible to the United
 responsible. States, the District of Columbia, and to individuals, as now pro-
 vided by law, one thousand eight hundred dollars; * *

Sewers, side- [Par. 3.] For the improvement and repair of alleys and side-
 walks and alleys walks and the construction of sewers and sidewalks, of such form
 to be improved and materials as the Commissioners may determine, under the per-
 and at one-half of mit system, * * Provided, That hereafter the property owners
 expensetoowners. requesting such improvements, under the permit system, shall pay
 one-half of the total cost:

Work necessary And provided further, That hereafter the Commissioners of the
 for public health District of Columbia are authorized in their discretion to order such
 how done, paid of the above-enumerated work as in their opinion is necessary for
 and assessed, &c. the public health, safety, or comfort, and to pay the total cost of
 such work from appropriations therefor; one-half of the cost of such
 work so done, including material and labor, shall be charged against
 and become a lien upon the property abutting upon the line of such
 improvement, and shall be levied pro rata, according to the lineal
 frontage of each lot or part of lot abutting upon such improvement,
 within sixty days after making such assessment, and in order to re-
 imburse appropriations so expended one-half of the cost of such

work so done, including labor and material, shall be charged against and become a lien upon the property abutting upon the line of the said work, and shall be levied pro rata upon said property, according to its lineal frontage, upon such terms and regulations as to notice to proprietors and the method and terms of such notice as shall seem to the Commissioners of the District of Columbia right and proper, due notice of such terms and regulations being given by publication thereof in some newspaper published in the city of Washington for such time as said Commissioners shall prescribe, and the one-half so charged against such abutting property shall be paid as follows:

One third of the amount within sixty days from the date of service of notice of such assessment, without interest; one-third within one year and the remaining third within two years from the date of service of notice of such assessment, and interest shall be charged at the rate of ten per centum per annum from the date of service of such notice on all amounts that shall remain unpaid at the expiration of thirty days after the service of the notice of such assessment:

Payable by installments.

Provided, That if any property so assessed shall become subject to sale for any other assessment or tax whatever then the assessment levied under this act shall become immediately due and payable, and such property may be sold therefor, together with the accrued interest thereon to the date of such sale, together with the costs of advertising and sale; and any property upon which such assessment and accrued interest thereon, or any part thereof, shall remain unpaid at the expiration of two years from the date of service of notice of such assessment, shall be subject to sale therefor under the same conditions and penalties as are imposed by existing law for the non-payment of general taxes, and the material purchased under appropriations for permit work shall be bought after due advertisement therefor, as required by existing law.

Property sold for taxes.

1877, March 3, ch. 117, ante, p. 142.

For the paving and curbing of the roadway of any street in the District of Columbia, ordered by the District Commissioners, upon payment in advance by the owners of abutting property of one-half the estimated cost of said work: * *

Paving and curbing roadways on payment of half by abutters.

Provided, That said pavement shall join, abut upon, or connect with, some existing pavement, and that the work so done shall be complete for the entire width of roadway, and shall in length be at least one square. * *

[Par. 4.] That hereafter the Commissioners shall have all the powers conferred on the Secretary of the Treasury and other officers of the United States by the act of August first, eighteen hundred and eighty-eight, entitled "An act to authorize condemnation of land for sites for public buildings, and for other purposes," for the condemnation of land for sites for school buildings, engine houses, and for police stations, and for the right of way for the construction, maintenance, and repair of public sewers; application for such proceedings shall be filed in the supreme court of said District, by the attorney thereof, under such orders as said court may prescribe in such cases.

Sites for school houses to be acquired by condemnation.

1888, Aug. 1, ch. 728, and note, ante, p. 601.

That the plans and specifications for each of said buildings, and for all other buildings provided for in this act, shall be prepared by the inspector of buildings of the District of Columbia, and shall be approved by the Architect of the Capital and the Commissioners of the District, and said buildings shall be constructed by the Commissioners in conformity therewith. * *

Plans, &c., how to be prepared.

[Par. 5.] For Reform School. * * That hereafter the proceeds of farm and shops shall be covered back into the Treasury, to be divided equally between the District of Columbia and the United States.

Reform school. Farm and shop proceeds; how disposed of.

1876, May 3, ch. 90, § 7; 1881, March 3, ch. 134, par. 1; ante, pp. 102, 321.

Superintendent of charities to be appointed; his duties.

1884, July 5, ch. 227, par. 2, *ante*, p. 464.

1889, March 2, ch. 370, par. 5, *ante*, p. 678.

[Par. 6.] That for the purpose of securing a more equitable and efficient expenditure of the several sums appropriated "for charities" there shall be appointed by the President, by and with the advice and consent of the Senate, as soon as may be after the passage of this act, some thoroughly experienced and otherwise suitable person, not a resident of the District of Columbia, to be designated superintendent of charities for the District of Columbia, whose duty it shall be to formulate for the purposes of the expenditures for charities in said District such a system or plan of organized charities for said District as will by means of consolidation, combination, or other direction, in his judgment, best secure the objects contemplated by the several institutions and associations for which such appropriations are made, and for the other charitable work of the District, with the least interference each with the other, or misapplication of effort or expenditure, and without duplication of charitable work or expenditure; and all such appropriations shall be expended for the purposes indicated, under the general direction of said superintendent, and in conformity, as near as may be, with such system or plan, subject to the approval of the Board of Commissioners of the District of Columbia.

And it shall also be the duty of said superintendent, to examine into the character of the administration of said institutions and associations, and the condition, sufficiency, and needs of the buildings occupied for such charitable purposes, and also to ascertain in each case the amount contributed from private sources for support and construction, the number of paid employees, and the number of inmates received and benefited by the sums appropriated by Congress, and to recommend such changes and modifications therein as in his judgment will best secure economy, efficiency, and the highest attainable results in the administration of charities in the District of Columbia.

—to report to Commissioners, &c.

And said superintendent, shall from time to time, report in detail to the Commissioners of the District, who shall communicate the same with their estimates for appropriations to the then next session of Congress, his doings hereunder, together with such estimates and recommendations for the future as in his judgment will best promote the charitable work of the District.

—his compensation.

Said superintendent shall be entitled to a compensation at the rate of three thousand dollars a year, * * and all estimates submitted hereunder shall be included in the regular annual Book of estimates. * *

Street railroad companies, changing motive power, may issue stock, &c., to meet cost.

SEC. 3. That any street railroad company in the District of Columbia authorized to run cars drawn by horses, which has changed or may change its motive power on any of its lines now constructed, to cable or electricity, or change its rails in accordance with the provisions of law, shall have the right to issue and sell, at the market price thereof, stock of said company to an amount necessary to cover the cost of making said changes, the cost of said changes and the amount of said stock sold, together with the price per share, to be fully set forth, under the oath of the President of said Company, and filed with the Commissioners of the District.

Sales at market price.

And any company availing itself of the privileges herein granted shall within two years, wholly dispense with horses as motive power on all portions of its line and substitute therefor the power provided for in the act making appropriations for the expenses of the government of the District of Columbia, approved March second, eighteen hundred and eighty-nine, or pneumatic or other modern motive power which shall be approved by the Commissioners of the District of Columbia, but nothing in this act contained shall in any wise authorize the use of overhead appliances:

Companies accepting act, to dispense with horses in two years.

Power to be approved.

1889, Mar. 2, ch. 370, par. 3, *ante*, p. 677.

No overhead wires.

Provided, That if any such company operating a line or lines of street railroad from Georgetown or West Washington to and beyond the Capitol grounds shall fail to substitute for horse power the power herein provided for on all its lines within two years from the date of this act, such company shall forfeit its corporate franchises. [August 6, 1890.]

Forfeiture of franchise on failure to comply.

CHAP. 728.—An act to limit the effect of the regulations of commerce between the several States and with foreign countries in certain cases.

August 8, 1890.

Be it enacted, &c., That all fermented, distilled, or other intoxicating liquors or liquids transported into any State or Territory or remaining therein for use, consumption, sale or storage therein, shall upon arrival in such State or Territory be subject to the operation and effect of the laws of such State or Territory enacted in the exercise of its police powers, to the same extent and in the same manner as though such liquids or liquors had been produced in such State or Territory, and shall not be exempt therefrom by reason of being introduced therein in original packages or otherwise. [August 8, 1890.]

26 Stat. L., 313.
Intoxicating liquors, &c., taken into any State, to be subject to laws of such State, not exempting original packages.
135 U. S., 100.

CHAP. 729.—An act to increase the compensation of the assistants to the attorney of the United States for the District of Columbia, and to amend section nine hundred and seven of the Revised Statutes of the United States, relating to said District.

August 8, 1890.

Be it enacted, &c., That section nine hundred and seven of the Revised Statutes of the United States, relating to the District of Columbia, be amended to read as follows:

26 Stat. L., 313.

“SEC. 907. He shall pay to his deputies or assistants not exceeding in all ten thousand dollars per annum; also his clerk hire, not exceeding two thousand four hundred dollars per annum; office rent, fuel, stationery, printing, and other incidental expenses out of the fees of his office.” [August 8, 1890.]

District of Columbia.
Pay of deputies to U. S. district attorneys, clerks, rent, &c.
Substitute for R. S. of D., § 907.
1877, Dec. 14, ch. 1, ante, p. 149.

CHAP. 735.—An act amendatory of the act entitled “An act to provide for taking the Eleventh and subsequent censuses.”

August 14 1890.

Be it enacted, &c., That Section seventeen of said Act be so amended that the Superintendent of the Census shall require and obtain from the owners, proprietors or managers of every unincorporated express company, the same class of facts which by said section he is now obliged to require and obtain from the owners, proprietors or managers of every incorporated express company; and, further,

26 Stat. L., 313.
Census reports from unincorporated express companies.
1889, Mar. 1, ch. 319, § 17, ante, p. 657.

That Section fifteen of the Act entitled “An Act to provide for taking the Eleventh and subsequent Censuses” shall be so amended that the penalties provided for in said section shall apply in case the President, Treasurer, Secretary, Agent or Director, of an unincorporated express company shall wilfully neglect or refuse to give true and complete answers to any inquiries authorized by the said Act, if thereto requested by the Superintendent of the Census. [August 14, 1890.]

Penalties for refusing to give information.
1889, March 1, ch. 319, § 15, ante, p. 657.

August 18, 1890.

26 Stat. L., 315.

CHAP. 797.—An act making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes.

Condemnation proceedings for fortifications and coast defenses. 1888, Aug. 1, ch. 728, and note, *ante*, p. 601.

Be it enacted, &c., * * Hereafter the Secretary of War may cause proceedings to be instituted, in the name of the United States, in any court having jurisdiction of such proceedings, for the acquirement, by condemnation, of any land, or right pertaining thereto, needed for the site, location, construction, or prosecution of works for fortifications and coast defenses, such proceedings to be prosecuted in accordance with the laws relating to suits for the condemnation of property of the States wherein the proceedings may be instituted:

Secretary of War may purchase.

Provided, That when the owner of such land or rights pertaining thereto shall fix a price for the same, which, in the opinion of the Secretary of War, shall be reasonable, he may purchase the same at such price without further delay:

May accept donations.

Provided further, That the Secretary of War is hereby authorized to accept on behalf of the United States donations of lands or rights pertaining thereto required for the above-mentioned purposes:

Limitation of expenditure.

R. S., §§ 3679, 3732, 3733, 5503.

And provided further, That nothing herein contained shall be construed to authorize an expenditure, or to involve the Government in any contract or contracts for the future payment of money, in excess of the sums appropriated therefor. * * [August 18, 1890.]

August 19, 1890.

26 Stat. L., 320.

CHAP. 801.—An act to amend the laws relative to shipping commissioners.

Shipping, articles of, crews for American vessels in coastwise trade, &c.

1886, June 19, ch. 421, § 1, and note, § 2, *ante*, p. 493.

Provisions to apply.

R. S., §§ 4511, 4512.

Be it enacted, &c., That when a crew is shipped by a shipping commissioner for any American vessel in the coastwise trade, or the trade between the United States and the Dominion of Canada, or Newfoundland, or the West Indies, or Mexico, as authorized by section two of an act approved June nineteenth, eighteen hundred and eighty-six, entitled an act to abolish certain fees for official services to American vessels, and to amend the laws relating to shipping commissioners, seamen, and owners of vessels, and for other purposes, an agreement shall be made with each seaman engaged as one of such crew, in the same manner and form as is provided by sections forty-five hundred and eleven and forty-five hundred and twelve of the Revised Statutes for the shipment of the crews of other vessels;

R. S., §§ 4522, 4524, 4525, 4526, 4527, 4528, 4554, 4596, 4597, 4598, 4599, 4601, 4602, 4603, 4604, 4605, 4610, 4612.

And the provisions of sections forty-five hundred and twenty-two, forty-five hundred and twenty-four, forty-five hundred and twenty-five, forty-five hundred and twenty-six, forty-five hundred and twenty-seven, forty-five hundred and twenty-eight, forty-five hundred and fifty-four, forty-five hundred and ninety-six, forty-five hundred and ninety-seven, forty-five hundred and ninety-eight, forty-five hundred and ninety-nine, forty-six hundred and one, forty-six hundred and two, forty-six hundred and three, forty-six hundred and four, forty-six hundred and five, forty-six hundred and ten, and forty-six hundred and twelve of the Revised Statutes shall extend to and embrace such vessels in the coastwise trade and the trade between the United States and the Dominion of Canada, or Newfoundland, or the West Indies, or Mexico, where their crews have been shipped by a shipping commissioner. to the same extent and with the same force and effect as if said vessels had been mentioned and embraced in the language and terms of said sections. [August 19, 1890.]

CHAP. 802.—An act to adopt regulations for preventing collisions at sea (1).

Be it enacted, &c., That the following regulations for preventing collisions at sea shall be followed by all public and private vessels of the United States upon the high seas and in all waters connected therewith, navigable by sea-going vessels.

August 19, 1890.

26 Stat. L., 820.
Regulations for preventing collisions at sea.
R. S., § 4283.
1890, Sept. 4, ch. 875, *post*, p. 800.

PRELIMINARY.

In the following rules every steam-vessel which is under sail and not under steam is to be considered a sailing-vessel, and every vessel under steam, whether under sail or not, is to be considered a steam-vessel.

The word "steam-vessel" shall include any vessel propelled by machinery.

A vessel is "under way" within the meaning of these rules when she is not at anchor, or made fast to the shore, or aground.

Meaning of terms.
"Sailing-vessel."

"Steam-vessel."
What "steam-vessel" includes.

"Under way."

RULES CONCERNING LIGHTS, AND SO FORTH.

The word "visible" in these rules when applied to lights shall mean visible on a dark night with a clear atmosphere.

ARTICLE 1. The rules concerning lights shall be complied with in all weathers from sunset to sunrise, and during such time no other lights which may be mistaken for the prescribed lights shall be exhibited.

ART. 2. A steam-vessel when under way shall carry—(a) On or in front of the foremast, or if a vessel without a foremast, then in the fore part of the vessel, at a height above the hull of not less than twenty feet, and if the breadth of the vessel exceeds twenty feet, then at a height above the hull not less than such breadth, so, however, that the light need not be carried at a greater height above the hull than forty feet, a bright white light, so constructed as to show an unbroken light over an arc of the horizon of twenty points of the compass, so fixed as to throw the light ten points on each side of the vessel, namely, from right ahead to two points abaft the beam on either side, and of such a character as to be visible at a distance of at least five miles.

(b) On the starboard side a green light so constructed as to show an unbroken light over an arc of the horizon of ten points of the compass, so fixed as to throw the light from right ahead to two points abaft the beam on the starboard side, and of such a character as to be visible at a distance of at least two miles.

(c) On the port side a red light so constructed as to show an unbroken light over an arc of the horizon of ten points of the compass, so fixed as to throw the light from right ahead to two points abaft the beam on the port side, and of such a character as to be visible at a distance of at least two miles.

(d) The said green and red side-lights shall be fitted with inboard screens projecting at least three feet forward from the light, so as to prevent these lights from being seen across the bow.

(e) A steam-vessel when under way may carry an additional white light similar in construction to the light mentioned in subdivision (a). These two lights shall be so placed in line with the keel that one shall be at least fifteen feet higher than the other, and in such a position with reference to each other that the lower light shall be forward of the upper one. The vertical distance between these lights shall be less than the horizontal distance.

ART. 3. A steam-vessel when towing another vessel shall, in addition to her side-lights, carry two bright white lights in a vertical line one over the other, not less than six feet apart, and when towing more than one vessel shall carry an additional bright white light six

Meaning of "visible."

Period of compliance.

Lights of steam-vessel under way.

White light forward.

Visibility.

Green light, starboard side.

Visibility.

Red light, port side.

Visibility.

Inboard screens for green and red lights.

Additional white light.

Position and distance of two white lights.

Steam-vessel when towing another vessel. Lights.

- When towing more than one. Additional light. Character and position of lights. feet above or below such light, if the length of the tow measuring from the stern of the towing vessel to the stern of the last vessel towed exceeds six hundred feet. Each of these lights shall be of the same construction and character, and shall be carried in the same position as the white light mentioned in article two (a), excepting the additional light, which may be carried at a height of not less than fourteen feet above the hull.
- Small white light abaft. Visibility restricted. Vessel not under control. White light. Steam-vessel not under control. Two red lights. Visibility. Such steam-vessel may carry a small white light abaft the funnel or aftermast for the vessel towed to steer by, but such light shall not be visible forward of the beam.
- Day signals. Two black balls. ART. 4. (a) A vessel which from any accident is not under command shall carry at the same height as a white light mentioned in article two (a), where they can best be seen, and if a steam-vessel in lieu of that light, two red lights, in a vertical line one over the other, not less than six feet apart, and of such a character as to be visible all around the horizon at a distance of at least two miles; and shall by day carry in a vertical line one over the other, not less than six feet apart, where they can best be seen, two black balls or shapes, each two feet in diameter.
- Telegraph cable vessel. Night lights. 1888, Feb. 29, ch. 17, §4, *ante*, p. 580. (b) A vessel employed in laying or in picking up a telegraph cable shall carry in the same position as the white light mentioned in article two (a), and if a steam-vessel in lieu of that light, three lights in a vertical line one over the other not less than six feet apart. The highest and lowest of these lights shall be red, and the middle light shall be white, and they shall be of such a character as to be visible all around the horizon, at a distance of at least two miles. By day she shall carry in a vertical line, one over the other, not less than six feet apart, where they can best be seen, three shapes not less than two feet in diameter, of which the highest and lowest shall be globular in shape and red in color, and the middle one diamond in shape and white.
- Day signals. (c) The vessels referred to in this article, when not making way through the water, shall not carry the side-lights, but when making way shall carry them.
- Signals only to be shown when making way. (d) The lights and shapes required to be shown by this article are to be taken by other vessels as signals that the vessel showing them is not under command and can not therefore get out of the way.
- Meaning of day and night signals. These signals are not signals of vessels in distress and requiring assistance. Such signals are contained in article thirty-one.
- Not distress signals. ART. 5. A sailing vessel under way and any vessel being towed shall carry the same lights as are prescribed by article two for a steam-vessel under way, with the exception of the white lights mentioned therein, which they shall never carry.
- Lights for sailing vessel under way, and towed vessel. ART. 6. Whenever, as in the case of small vessels under way during bad weather, the green and red side-lights can not be fixed, these lights shall be kept at hand, lighted and ready for use; and shall, on the approach of or to other vessels, be exhibited on their respective sides in sufficient time to prevent collision, in such manner as to make them most visible, and so that the green light shall not be seen on the port side nor the red light on the starboard side, nor, if practicable, more than two points abaft the beam on their respective sides.
- Small vessels under way in bad weather. Portable side lights to be ready, &c. To make the use of these portable lights more certain and easy the lanterns containing them shall each be painted outside with the color of the light they respectively contain, and shall be provided with proper screens.
- Portable lanterns to be painted. ART. 7. Steam-vessels of less than forty, and vessels under oars or sails of less than twenty tons, gross tonnage, respectively, when under way, shall not be obliged to carry the lights mentioned in article two (a) (b) and (c), but if they do not carry them they shall be provided with the following lights:
- Small steam-vessels, and certain vessels under oars or sails, under way. Lieu lights they must carry.

First. Steam-vessels of less than forty tons shall carry—

(a) In the fore part of the vessel, or on or in front of the funnel, where it can best be seen, and at a height above the gunwale of not less than nine feet, a bright white light constructed and fixed as prescribed in article two (a), and of such a character as to be visible at a distance of at least two miles.

Steam-vessels less than forty tons.
Forward light.

(b) Green and red side-lights constructed and fixed as prescribed in article two (b) and (c), and of such a character as to be visible at a distance of at least one mile, or a combined lantern showing a green light and a red light from right ahead to two points abaft the beam on their respective sides. Such lantern shall be carried not less than three feet below the white light.

Side lights, &c.
Combined lantern.

Second. Small steam-boats, such as are carried by sea-going vessels, may carry the white light at a less height than nine feet above the gunwale, but it shall be carried above the combined lantern mentioned in subdivision one (b).

Small steam-boats.
Position of white light.

Third. Vessels under oars or sails, of less than twenty tons, shall have ready at hand a lantern with a green glass on one side and a red glass on the other, which, on the approach of or to other vessels, shall be exhibited in sufficient time to prevent collision, so that the green light shall not be seen on the port side nor the red light on the starboard side.

Vessels under oars or sails.
Portable green and red lantern.

The vessels referred to in this article shall not be obliged to carry the lights prescribed by article four (a) and article eleven, last paragraph.

Limitation of lights.

ART. 8. Pilot vessels when engaged on their station on pilotage duty shall not show the lights required for other vessels, but shall carry a white light at the masthead, visible all around the horizon, and shall also exhibit a flare-up light or flare-up lights at short intervals, which shall never exceed fifteen minutes.

Pilot vessels on pilotage duty.

On the near approach of or to other vessels they shall have their side-lights lighted, ready for use, and shall flash or show them at short intervals, to indicate the direction in which they are heading, but the green light shall not be shown on the port side, nor the red light on the starboard side.

Approaching other vessels.

A pilot-vessel of such a class as to be obliged to go alongside of a vessel to put a pilot on board may show the white light instead of carrying it at the masthead, and may, instead of the colored lights above mentioned, have at hand, ready for use, a lantern with a green glass on the one side and a red glass on the other, to be used as prescribed above.

Such as go alongside, &c.

Pilot-vessels when not engaged on their station on pilotage duty shall carry lights similar to those of other vessels of their tonnage.

When not on pilotage duty.

ART. 9. Fishing vessels and fishing boats when under way and when not required by this article to carry or show the lights therein named shall carry or show the lights prescribed for vessels of their tonnage under way.

Fishing vessels and fishing boats under way.

(a) Vessels and boats, when fishing with drift nets, shall exhibit two white lights from any part of the vessel where they can best be seen. Such lights shall be placed so that the vertical distance between them shall not be less than six feet and not more than ten feet, and so that the horizontal distance between them, measured in a line with the keel, shall be not less than five feet and not more than ten feet. The lower of these two lights shall be the more forward, and both of them shall be of such a character as to show all around the horizon, and to be visible at a distance of not less than three miles.

Fishing with drift nets.

(b) Vessels, when engaged in trawling, by which is meant the dragging of an apparatus along the bottom of the sea—

Trawling.

First. If steam-vessels, shall carry in the same position as the white light mentioned in article two (a) a tricolored lantern so constructed and fixed as to show a white light from right ahead to two

If steam-vessels.

points on each bow, and a green light and red light over an arc of the horizon from two points on either bow to two points abaft the beam on the starboard and port sides, respectively; and, not less than six nor more than twelve feet below the tricolored lantern, a white light in the lantern, so constructed as to show a clear, uniform, and unbroken light all around the horizon

If sailing vessels, seven tons and upwards.

Second. If sailing vessels, of seven tons gross tonnage and upwards, shall carry a white light in a lantern, so constructed as to show a clear, uniform, and unbroken light all around the horizon, and shall also be provided with a sufficient supply of red pyrotechnic lights, which shall each burn for at least thirty seconds, and shall be shown on the approach of or to other vessels in sufficient time to prevent collision.

In Mediterranean Sea.

In the Mediterranean Sea the vessels referred to in subdivision (b) two may use a flare-up light in lieu of a pyrotechnic light.

Visibility of lights.

All lights mentioned in subdivision (b) one and two shall be visible at a distance of at least two miles.

If sailing vessels, less than seven tons.

Third. If sailing vessels of less than seven tons gross tonnage, shall not be obliged to carry the white light mentioned in subdivision (b) two of this article, but if they do not carry such light they shall have at hand, ready for use, a lantern showing a bright white light, which shall, on the approach of or to other vessels, be exhibited where it can best be seen, in sufficient time to prevent collision; and they shall also show a red pyrotechnic light, as prescribed in subdivision (b) two, or in lieu thereof a flare-up light.

Vessels and boats, line-fishing, &c.

(c) Vessels and boats when line-fishing with their lines out and attached to their lines, and when not at anchor or stationary, shall carry the same lights as vessels fishing with drift-nets.

Fishing vessels and boats.

Additional flare-up lights.

(d) Fishing vessels and fishing boats may at any time use a flare-up light in addition to the lights which they are by this article required to carry and show. All flare-up lights exhibited by a vessel when trawling or fishing with any kind of drag-net shall be shown at the after part of the vessel, excepting that if the vessel is hanging by the stern to her fishing gear, they shall be exhibited from the bow.

At anchor. When fishing, gets fast to rock.

(e) Every fishing vessel and every boat when at anchor shall exhibit a white light visible all around the horizon at a distance of at least one mile.

(f) If a vessel or boat when fishing becomes stationary in consequence of her gear getting fast to a rock or other obstruction she shall show the light and make the fog-signal prescribed for a vessel at anchor, respectively. (See article fifteen (d) (e) and last paragraph.)

In fog, mist, falling snow, or heavy rain.

(g) In fog, mist, falling snow, or heavy rain-storms drift-net vessels attached to their nets, and vessels when trawling, dredging, or fishing with any kind of drag-net, and vessels line-fishing with their lines out shall, if of twenty tons gross tonnage or upwards, respectively, at intervals of not more than one minute make a blast; if steam-vessels with the whistle or siren, and if sailing-vessels with the fog-horn, each blast to be followed by ringing the bell.

Day signal.

(h) Sailing vessels or boats fishing with nets or lines or trawls, when under way, shall in day-time indicate their occupation to an approaching vessel by displaying a basket or other efficient signal, where it can best be seen.

Limitation.

The vessels referred to in this article shall not be obliged to carry the lights prescribed by article four (a) and article eleven, last paragraph.

A vessel being overtaken by another.

ART. 10. A vessel which is being overtaken by another shall show from her stern to such last mentioned vessel a white light or a flare-up light.

Character and position of light.

The white light required to be shown by this article may be fixed and carried in a lantern, but in such case the lantern shall be so

constructed, fitted, and screened that it shall throw an unbroken light over an arc of the horizon of twelve points of the compass, namely, for six points from right aft on each side of the vessel, so as to be visible at a distance of at least one mile. Such light shall be carried as nearly as practicable on the same level as the side-lights.

ART. 11. A vessel under one hundred and fifty feet in length, when at anchor, shall carry forward, where it can best be seen, but at a height not exceeding twenty feet above the hull, a white light in a lantern so constructed as to show a clear, uniform, and unbroken light visible all around the horizon at a distance of least one mile.

A vessel of one hundred and fifty feet or upwards in length, when at anchor, shall carry in the forward part of the vessel, at a height of not less than twenty and not exceeding forty feet above the hull, one such light, and at or near the stern of the vessel, and at such a height that it shall be not less than fifteen feet lower than the forward light, another such light.

The length of a vessel shall be deemed to be the length appearing in her certificate of registry.

A vessel aground in or near a fair-way shall carry the above light or lights and the two red lights prescribed by article four (a).

ART. 12. Every vessel may, if necessary in order to attract attention, in addition to the lights which she is by these rules required to carry, show a flare-up light or use any detonating signal that can not be mistaken for a distress signal.

ART. 13. Nothing in these rules shall interfere with the operation of any special rules made by the Government of any nation with respect to additional station and signal-lights for two or more ships of war or for vessels sailing under convoy, or with the exhibition of recognition signals adopted by ship-owners, which have been authorized by their respective Governments and duly registered and published.

ART. 14. A steam-vessel proceeding under sail only but having her funnel up, shall carry in day-time, forward, where it can best be seen, one black ball or shape two feet in diameter.

SOUND SIGNALS FOR FOG, AND SO FORTH.

ART. 15. All signals prescribed by this article for vessels under way shall be given:

1. By "steam-vessels" on the whistle or siren.
2. By "sailing vessels and vessels towed" on the fog-horn.

The words "prolonged blast" used in this article shall mean a blast of from four to six seconds' duration.

A steam-vessel shall be provided with an efficient whistle or siren, sounded by steam or by some substitute for steam, so placed that the sound may not be intercepted by any obstruction, and with an efficient fog-horn, to be sounded by mechanical means, and also with an efficient bell.

[In all cases where the rules require a bell to be used a drum may be substituted on board Turkish vessels, or a gong where such articles are used on board small sea-going vessels.]

A sailing vessel of twenty tons gross tonnage or upward shall be provided with a similar fog-horn and bell.

In fog, mist, falling snow, or heavy rainstorms, whether by day or night, the signals described in this article shall be used as follows, viz:

(a) A steam-vessel having way upon her shall sound, at intervals of not more than two minutes, a prolonged blast.

Vessels at anchor.

Under 150 feet in length.

150 feet or more in length.

Length governed by registry.

Vessel aground in or near fair-way.

Additional lights and signals when necessary.

Ships of war, and convoys.

Certain authorized, &c., signals, &c., of any nation, not to be interfered with by these rules.

Steam-vessel under sail only, &c.

Day signal.

"Steam vessels."

"Sailing vessels and vessels towed."

Meaning of "prolonged blast."

Sound instruments to be provided on steam-vessels.

Substitutes on Turkish and small vessels.

Sailing vessels of 20 tons and over.

Day and night fog, &c., signals.

Steam-vessel having way upon her.

- Steam-vessel under way, but stopped, &c.** (b) A steam-vessel under way, but stopped, and having no way upon her, shall sound, at intervals of not more than two minutes, two prolonged blasts, with an interval of about one second between them.
- Sailing vessel under way.** (c) A sailing vessel under way shall sound, at intervals of not more than one minute, when on the starboard tack one blast, when on the port tack two blasts in succession, and when with the wind abaft the beam three blasts in succession.
- Vessel at anchor.** (d) A vessel when at anchor shall, at intervals of not more than one minute, ring the bell rapidly for about five seconds.
- Vessel at anchor at sea, &c.** (e) A vessel at anchor at sea, when not in ordinary anchorage ground, and when in such a position as to be an obstruction to vessels under way, shall sound, if a steam-vessel, at intervals of not more than two minutes, two prolonged blasts with her whistle or siren, followed by ringing her bell; or, if a sailing-vessel, at intervals of not more than one minute, two blasts with her fog-horn, followed by ringing her bell.
- Vessel when towing.** (f) A vessel when towing shall, instead of the signals prescribed in subdivisions (a) and (c) of this article at intervals of not more than two minutes, sound three blasts in succession, namely, one prolonged blast followed by two short blasts. A vessel towed may give this signal and she shall not give any other.
- Steam-vessel without way. Three blasts.** (g) A steam-vessel wishing to indicate to another "The way is off my vessel, you may feel your way past me," may sound three blasts in succession, namely, short, long, short, with intervals of about one second between them.
- Telegraph-cable vessels. 1888, Feb. 29, ch. 17, § 4, ante, p. 590.** (h) A vessel employed in laying or picking up a telegraph cable shall, on hearing the fog-signal of an approaching vessel, sound in answer three prolonged blasts in succession.
- Vessel unable to get out of the way.** (i) A vessel under way, which is unable to get out of the way of an approaching vessel through being not under command, or unable to maneuver as required by these rules, shall, on hearing the fog-signal of an approaching vessel, sound in answer four short blasts in succession.
- Certain sailing vessels and boats may make other sound signals.** Sailing vessels and boats of less than twenty tons gross tonnage shall not be obliged to give the above-mentioned signals, but, if they do not, they shall make some other efficient sound-signal at intervals of not more than one minute.

SPEED OF SHIPS TO BE MODERATE IN FOG, AND SO FORTH.

Vessels must moderate speed in fog, &c. ART. 16. Every person shall, in a fog, mist, falling snow, or heavy rain-storms, go at a moderate speed, having careful regard to the existing circumstances and conditions.

Steam-vessels under certain conditions, stop engines, &c. A steam vessel hearing, apparently forward of her beam, the fog-signal of a vessel the position of which is not ascertained shall, so far as the circumstances of the case admit, stop her engines, and then navigate with caution until danger of collision is over.

STEERING AND SAILING RULES.

PRELIMINARY—RISK OF COLLISION.

Ascertainment of risk of collision. Risk of collision can, when circumstances permit, be ascertained by carefully watching the compass bearing of an approaching vessel. If the bearing does not appreciably change, such risk should be deemed to exist.

Rules of avoidance of risk. ART. 17. When two sailing vessels are approaching one another, so as to involve risk of collision, one of them shall keep out of the way of the other, as follows, namely:

- (a) A vessel which is running free shall keep out of the way of a vessel which is close-hauled. Two sailing vessels approaching one another.
- (b) A vessel which is close-hauled on the port tack shall keep out of the way of a vessel which is close-hauled on the starboard tack.
- (c) When both are running free, with the wind on different sides, the vessel which has the wind on the port side shall keep out of the way of the other.
- (d) When both are running free, with the wind on the same side, the vessel which is to the windward shall keep out of the way of the vessel which is to leeward.
- (e) A vessel which has the wind aft shall keep out of the way of the other vessel.

ART. 18. When two steam-vessels are meeting end on, or nearly end on, so as to involve risk of collision, each shall alter her course to starboard, so that each may pass on the port side of the other. Two steam-vessels meeting, end on.

This article only applies to cases where vessels are meeting end on, or nearly end on, in such a manner as to involve risk of collision, and does not apply to two vessels which must, if both keep on their respective courses, pass clear of each other. Applicable cases.

The only cases to which it does apply are when each of the two vessels is end on, or nearly end on, to the other; in other words, to cases in which, by day, each vessel sees the masts of the other in a line, or nearly in a line, with her own; and by night, to cases in which each vessel is in such a position as to see both the side-lights of the other. Nonapplicable cases.

It does not apply by day to cases in which a vessel sees another ahead crossing her own course; or by night, to cases where the red light of one vessel is opposed to the red light of the other, or where the green light of one vessel is opposed to the green light of the other, or where a red light without a green light, or a green light without a red light, is seen ahead, or where both green and red lights are seen anywhere but ahead. Cases, where applicable by day and by night.

ART. 19. When two steam-vessels are crossing, so as to involve risk of collision, the vessel which has the other on her own starboard side shall keep out of the way of the other. Where inapplicable day and night.

ART. 20. When a steam-vessel and a sailing vessel are proceeding in such directions as to involve risk of collision, the steam-vessel shall keep out of the way of the sailing-vessel. Two steam-vessels crossing.

ART. 21. Where by any of these rules one of two vessels is to keep out of the way, the other shall keep her course and speed. Steam and sailing vessels meeting.

ART. 22. Every vessel which is directed by these rules to keep out of the way of another vessel shall, if the circumstances of the case admit, avoid crossing ahead of the other. What vessels shall keep her course.

ART. 23. Every steam-vessel which is directed by these rules to keep out of the way of another vessel shall, on approaching her, if necessary, slacken her speed or stop or reverse. Crossing ahead.

ART. 24. Notwithstanding anything contained in these rules every vessel, overtaking any other, shall keep out of the way of the overtaken vessel. Certain steam-vessels to slacken speed, &c.

Every vessel coming up with another vessel from any direction more than two points abaft her beam, that is, in such a position, with reference to the vessel which she is overtaking that at night she would be unable to see either of that vessel's side lights, shall be deemed to be an overtaking vessel; and no subsequent alteration of the bearing between the two vessels shall make the overtaking vessel a crossing vessel within the meaning of these rules, or relieve her of the duty of keeping clear of the overtaken vessel until she is finally past and clear. The overtaking vessel to keep out of the way.

As by day the overtaking vessel can not always know with certainty whether she is forward of or abaft this direction from the other vessel she should, if in doubt, assume that she is an overtaking vessel and keep out of the way. Definition of "overtaking vessel," &c.

At night. By day.

Steam-vessels in narrow channels.

ART. 25. In narrow channels every steam-vessel shall, when it is safe and practicable, keep to that side of the fair-way or mid-channel which lies on the starboard side of such vessel.

Sailing vessel under way must avoid fishing boats.

ART. 26. Sailing vessels under way shall keep out of the way of sailing vessels or boats fishing with nets, or lines, or trawls. This rule shall not give to any vessel or boat engaged in fishing the right of obstructing a fair-way used by vessels other than fishing vessels or boats.

Fishing boats not to obstruct fair-way.

Obedience to and construction of rules.

ART. 27. In obeying and construing these rules due regard shall be had to all dangers of navigation and collision, and to any special circumstances which may render a departure from the above rules necessary in order to avoid immediate danger.

Sound signals for vessels in sight.

SOUND-SIGNALS FOR VESSELS IN SIGHT OF ONE ANOTHER.

Meaning of "short blast."

ART. 28. The words "short blast" used in this article shall mean a blast of about one second's duration:

Steam-vessel under way to signal her course by whistle.

When vessels are in sight of one another, a steam-vessel under way, in taking any course authorized or required by these rules, shall indicate that course by the following signals on her whistle or siren, namely:

Meaning of one short blast.

One short blast to mean, "I am directing my course to starboard."

Of two short blasts.

Two short blasts to mean, "I am directing my course to port."

Of three short blasts.

Three short blasts to mean, "My engines are going at full speed astern."

NO VESSEL, UNDER ANY CIRCUMSTANCES, TO NEGLECT PROPER PRECAUTIONS.

Vessels not exonerated from consequences of neglect.

ART. 29. Nothing in these rules shall exonerate any vessel or the owner or master or crew thereof, from the consequences of any neglect to carry lights or signals, or of any neglect to keep a proper look-out, or of the neglect of any precaution which may be required by the ordinary practice of seamen, or by the special circumstances of the case.

RESERVATION OF RULES FOR HARBORS AND INLAND NAVIGATION.

Local rules not interfered with.

ART. 30. Nothing in these rules shall interfere with the operation of a special rule, duly made by local authority, relative to the navigation of any harbor, river, or inland waters.

DISTRESS SIGNALS.

Distress signals in day time.

ART. 31. When a vessel is in distress and requires assistance from other vessels or from the shore, the following shall be the signals to be used or displayed by her, either together or separately, namely:

In the day time—

First. A gun fired at intervals of about a minute;

Second. The International Code signal of distress indicated by N C;

Third. The distance signal, consisting of a square flag, having either above or below it a ball or anything resembling a ball;

Fourth. Rockets or shells as prescribed below for use at night;

Fifth. A continuous sounding with any fog-signal apparatus.

At night—

One. A gun fired at intervals of about a minute;

Two. Flames on the vessel (as from a burning tar-barrel, oil-barrel, and so forth);

Three. Rockets or shells, bursting in the air with a loud report and throwing stars of any color or description, fired one at a time at short intervals;

—at night.

Four. A continuous sounding with any fog-signal apparatus.

SEC. 2. That all laws or parts of laws inconsistent with the foregoing regulations for preventing collisions at sea for the navigation of all public and private vessels of the United States upon the high seas, and in all waters connected therewith navigable by sea-going vessels, are hereby repealed.

SEC. 3. That this act shall take effect at a time to be fixed by the President by proclamation issued for that purpose (2). [August 19, 1890.]

Repeal.
§§ 4233, 4400,
4401, 4413.

When act takes effect.

NOTE.—(2) The proclamation herein provided for has not yet been issued. Meanwhile, the provisions of R. S. § 4233, as modified by 1886, March 3, ch. 364 (23 Stat. L., 498) appear to remain in force, though the latter act is omitted from this volume as superseded by the one in the text as soon as put in force by proclamation.

CHAP. 812.—An act providing for leave of absence for officers and employees in the customs service of the Government who receive per diem compensation.

August 28, 1890.

26 Stat. L., 362.

Be it enacted, &c., That all officers and employees of the customs service of the Government who receive a per diem compensation shall be entitled to receive the same leave of absence as is provided for clerks and employees in the several executive departments at Washington, District of Columbia, by chapter one hundred and twenty-eight, section four, of the United States Statutes at Large, volume twenty-two, pages five hundred and sixty-three and five hundred sixty-four, approved March third, anno Domini eighteen hundred and eighty-three.

Leave of absence in customs service.

1883, March 3, ch. 128, § 4, and note, ante, pp. 409, 410.

SEC. 2. That the Secretary of the Treasury shall make all rules and regulations necessary to carry the provisions of this act into effect. [August 28, 1890.]

Rules to carry act into effect.

CHAP. 813.—An act amending an act entitled "An act to constitute Lincoln, Nebraska, a port of delivery, and to extend the provisions of the act of June tenth, eighteen hundred and eighty, entitled 'An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes, to said port of Lincoln.'"

August 28, 1890.

26 Stat. L., 362.

Be it enacted, &c., That the act approved October nineteenth, eighteen hundred and eighty-eight, entitled "An act to constitute Lincoln, Nebraska, a port of delivery, and to extend the provisions of the act of June tenth, eighteen hundred and eighty, entitled 'An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes,' to the said port of Lincoln," be, and the same is hereby, amended so as to read as follows:

Lincoln, Nebr., port of delivery with privileges of immediate transportation.

Substitute for 1888, Oct. 19, ch. 1209 (25 Stat. L., 565).

"That Lincoln, in the State of Nebraska, be, and is hereby, constituted a port of delivery in the customs collection district of New Orleans, and that the privileges of the seventh section of the act approved June tenth, eighteen hundred and eighty, entitled 'An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes,' be, and the same are hereby, extended to said port.

1880, June 10, ch. 190, § 7, ante, p. 294.

And that there shall be appointed at said port a surveyor with compensation at the rate of nine hundred dollars per annum, with the usual fees and commissions." [August 28, 1890.]

Surveyor.

August 28, 1890.

26 Stat. L., 363.

CHAP. 814.—An act to reorganize and establish the customs collection district of Puget Sound.

Be it enacted, &c., That the customs collection district of Puget Sound be, and the same hereby is, reorganized and established to comprise the State of Washington, in which (1) Port Townsend shall be the port of entry.

Puget Sound customs district to be State of Washington; Port Townsend, port of entry.

R. S., § 2586.

NOTE.—(1) Made port of immediate delivery by 1886, May 1, ch. 69, ante, pp. 469, 490.

Tacoma and Seattle, subports of entry and delivery with immediate transportation privileges.

R. S., § 2586.

1880, June 10, ch. 190, § 7, *ante*, p. 294.

Customs officers.

SEC. 2. That (2) Tacoma and Seattle, in said collection district, each of them be, and hereby is, constituted a subport of entry and delivery in said collection district, with the privilege of immediate transportation, as defined by section seven of the act of June tenth, eighteen hundred and eighty, entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," being chapter one hundred and ninety, volume twenty-one, of the Statutes at Large;

That a deputy collector and such other officers of the customs as may be deemed necessary by the Secretary of the Treasury shall be appointed to reside at each of said subports and that, subject to the supervision of the collector of customs at Port Townsend, the deputy collector at each of said subports is hereby authorized to enter and clear vessels, receive entries, collect duties, fees, and other moneys, and generally to perform the functions prescribed by law for collectors of customs;

Port Angeles, and other ports to be designated, to be sub-ports of entry.

And Port Angeles and some suitable place on Bellingham Bay, and Gray's Harbor (to be designated by the Secretary of the Treasury, as the interests of commerce may require), and such other ports as the Secretary of the Treasury may from time to time designate, shall be subports of entry;

Customs officers at subports of entry.

And customs officers shall be stationed at such subports with authority to enter and clear vessels, receive duties, fees, and other moneys and perform such other services and receive such compensation as in the judgment of the Secretary of the Treasury the exigencies of commerce may require.

Pay of collector and of deputy collectors.

SEC. 3. That the salary of the collector of customs for the district of Puget Sound shall be three thousand five hundred dollars per annum, and that of the deputy collectors at Tacoma and Seattle each two thousand dollars per annum.

Repeal.

SEC. 4. That all acts or parts of acts in conflict with the provisions of this act are hereby repealed. [August 28, 1890.]

NOTE.—(2) By 1889, March 1, ch. 310 (25 Stat. L., 750), Tacoma and Seattle were made ports of entry with the privileges of immediate transportation under both §§ 1 and 7 of 1880, June 10, ch. 190, *ante*, pp. 298, 294. But by this act the privilege of § 7 alone is granted, apparently repealing the grant of the privilege of § 1.

August 29, 1890.

26 Stat. L., 369.

CHAP. 818.—An act to change the time of the sessions of the circuit and district courts for the western district of Missouri (1).

Missouri; western judicial district.

Terms of court.

Western division.

R. S., §§ 572, 658.

St. Joseph division.

Be it enacted, &c., That the terms of the circuit and district courts of the United States for the western division of the western district of Missouri shall begin and be held at Kansas City, in said State, on the first Mondays in March and September annually.

Central division.

That the terms of the circuit and district courts of the United States for the Saint Joseph division of the western district of Missouri shall begin and be held in Saint Joseph, in said State, on the first Mondays in April and November annually.

Southern division.

That the terms of the circuit and district courts of the United States for the central division of the western district of Missouri shall begin and be held at Jefferson City, in said State, on the third Mondays in April and November annually.

That the terms of the circuit and district courts of the United States for the southern division of the western district of Missouri shall begin and be held at Springfield, in said State, on the third Mondays in May and October annually.

Repeal.

SEC. 2. [Relates to pending process.]

SEC. 3. All (1) acts providing for holding either of the courts in the first section of this act mentioned, at times other than those in said first section mentioned, are hereby repealed. [August 29, 1890.]

NOTE.—(1) For acts relating to United States Courts in Missouri see 1867, Feb. 28, ch. 271, and notes, *ante*, pp. 543-545.

CHAP. 819.—An act to amend an act entitled "An act for the relief of settlers on railroad lands," approved June twenty-second, eighteen hundred and seventy-four.

August 29, 1890.

Be it enacted, &c., That the privileges granted by the aforesaid act approved June twenty-second, eighteen hundred and seventy-four, are hereby extended (subject to the provisos, limitations, and restrictions thereof) to all persons entitled to the right of homestead or pre-emption under the laws of the United States, who have resided upon and improved for five years lands granted to any railroad company, but whose entries or filings have not for any cause been admitted to record. [August 29, 1890.]

26 Stat. L., 369.

Public lands.
Certain settlers with unrecorded entries on railroad lands, how may perfect titles, &c. 1874, June 23, ch. 400, *ante*, p. 38.

CHAP. 820.—An act making appropriations for additional clerical force and other expenses to carry into effect the act entitled "An act granting pensions to soldiers and sailors who are incapacitated for the performance of manual labor, and providing for pensions to widows, minor children, and dependent parents," from September first, eighteen hundred and ninety, for the balance of the fiscal year ending June thirtieth, eighteen hundred and ninety-one.

August 29, 1890.

26 Stat. L., 370.

Be it enacted, &c. * * And no officer, clerk, or employee of any executive department who is also a (1) notary public or other officer authorized to administer oaths, shall charge or receive any fee or compensation for administering oaths of office to employees of such department required to be taken on appointment or promotion therein.

No department officer to charge fees for oath of office to employes.

R. S., §§ 1757-1759.

1884, May 13,

ch. 46, *ante*, p. 423.

And the Chief Clerks of the several Executive Departments and of the various bureaus and offices thereof in Washington, District of Columbia, are hereby authorized and directed, on application and without compensation therefor, to administer oaths of office to employees required to be taken on their appointment or promotion.

Chief Clerks of Departments and bureaus to administer oath of office free.

SEC. 2. [Superseded by 1891, March 3, ch. 548, § 1, *post*, p. 933.]
[August 29, 1890.]

NOTE.—(1). For laws as to notaries public in the District of Columbia, see R. S. of D. C., §§ 979-992, 1873, June 7, ch. 162, § 5, *ante*, p. 171.

CHAP. 837.—An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and ninety-one, and for other purposes.

August 30, 1890.

26 Stat. L., 871.

Be it enacted, &c. * * [Par. 1.] Hereafter the Secretary of the Treasury shall annually report to Congress in the Book of estimates a statement of the expenditure of the appropriation for "repairs and preservation of public buildings" which shall show the amount expended on each public building and the number of persons employed and paid salaries from such appropriation. * *

Report of expenditures on public buildings.

R. S., §§ 257, 3669.
1875, Mar. 3, ch. 130, par. 14, and note, *ante*, p. 74.

[Par. 2.] Nor shall there hereafter be made any allowance for subsistence to officers of the Navy attached to the Coast and Geodetic Survey, except that when officers are detached to do work away from their vessels under circumstances involving them in extra expenditures, the Superintendent may allow to any such officer subsistence at a rate not exceeding one dollar per day for the period actually covered by such duty away from such vessel. * *

Naval officers attached to Coast Survey, allowance for subsistence.

R. S., § 4688.

[Par. 3.] So much of the act of October second, eighteen hundred and eighty-eight, entitled, "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and eighty-nine, and for other purposes," as provides for the withdrawal of the public lands from entry, occupation and settlement, is hereby repealed.

Restoration of irrigable lands heretofore withdrawn.

1888, Oct. 2, ch. 1069, par. 4, *ante*, p. 626.

And all entries made or claims initiated in good faith and valid but for said act, shall be recognized and may be perfected in the same manner as if said law had not been enacted,

Bona fide entries recognized.

Reservoir sites reserved.

1891, March 3, ch. 561, § 17, *post*, p. 945.

Acquirement of title under land laws limited to 320 acres.

1877, Mar. 3, ch. 107, *ante*, p. 137.

1891, Mar. 3, ch. 561, §§ 1, 2, 4, 5, 17, *post*, pp. 940, 942, 945, 946.

Land patents west of 100th meridian to reserve right of way for ditches.

1891, Mar. 3, ch. 561, §§ 18-21, *post*, p. 946.

Columbia Institution for Deaf and Dumb.

Instruction and support of deaf-mutes in college, when paid.

R. S., § 4865.

Admissions from States limited.

Report of employees.

R. S., § 4867.
1889, Mar. 2, ch. 411, par. 5, *ante*, p. 698.

Educating feeble-minded children, D. C.

1878, June 11, ch. 180, § 3, *ante*, p. 175.

1880, June 16, ch. 235, par. 8, *ante*, p. 298.

Use of reservations in D. C. for children's playgrounds.

R. S., § 1797.
R. S. of D. C., § 222.

Disbursements for Signal Service to be by bonded disbursing officer.

R. S., § 1095.
1890, Oct. 1, ch. 1266, *post*, p. 879.
1882, Aug. 7, ch. 433, par. 8, *ante*, p. 380.

Except that reservoir sites heretofore located or selected shall remain segregated and reserved from entry or settlement as provided by said act, until otherwise provided by law, and reservoir sites hereafter located or selected on public lands shall in like manner be reserved from the date of the location or selection thereof.

No person who shall after the passage of this act, enter upon any of the public lands with a view to occupation, entry or settlement under any of the land laws shall be permitted to acquire title to (1) more than three hundred and twenty acres in the aggregate, under all of said laws, but this limitation shall not operate to curtail the right of any person who has heretofore made entry or settlement on the public lands, or whose occupation, entry or settlement, is validated by this act :

Provided, That in all patents for lands hereafter taken up under any of the land laws of the United States or on entries or claims validated by this act west of the one hundredth meridian, it shall be expressed that there is reserved from the lands in said patent described, a right of way thereon for ditches or canals constructed by the authority of the United States. * *

[*Par. 4.*] Columbia Institution for the Deaf and Dumb. * * That deaf-mutes, not exceeding sixty in number, admitted to this institution from the several States and Territories under section forty-eight hundred and sixty-five of the Revised Statutes, shall have the expenses of their instruction in the collegiate department paid from this appropriation, together with so much of the expense of their support when indigent and while in the institution as may be authorized by the board of trustees, with the approval of the Secretary of the Interior ;

And hereafter there shall not be admitted to said institution under section forty-eight hundred and sixty-five of the Revised Statutes, nor shall there be maintained after such admission, at any one time from any State or Territory exceeding three deaf-mutes while there are applications pending from deaf-mutes, citizens of States or Territories having less than three pupils in said institution :

Provided further, That hereafter there shall be included in the annual Book of Estimates a statement showing the number of persons employed each year in this institution and the compensation paid to each.

To enable the Secretary of the Interior to provide for the education of feeble-minded children belonging to the District of Columbia as provided for in the act approved June sixteenth, eighteen hundred and eighty, * * One-half of this sum shall be paid out of the revenues of the District of Columbia and one-half out of the Treasury of the United States, and hereafter the estimates for this expense shall each year be submitted in the annual estimates for the expenses of the government of the District of Columbia. * *

[*Par. 5.*] The officer in charge of public buildings and grounds may authorize the temporary use of a portion of the Monument Grounds or grounds south of the Executive Mansion or other reservations, in the District of Columbia, for a children's playground, under regulations to be prescribed by him. * *

[*Par. 6.*] That all appropriations made for the support of the Signal Service or Corps shall be disbursed under the direction of the Secretary of War, by the regularly bonded officer who is now and may be hereafter detailed by the Secretary of War for duty as disbursing officer of the Signal Service.

NOTE.—(1) By 1891, March 3, ch. 561, § 17, *post*, pp. 945, 946, this is not to include mineral lands.

Provided further, That all accounts of whatever nature, resulting from the disbursement of any of the appropriations made for the Signal Service or Corps shall be audited and adjusted by the Third Auditor and Second Comptroller of the Treasury.

Accounts, by whom audited.
R. S., § 277.

Provided further, That any money deposited by an enlisted man of the Signal Corps, under the provisions of section thirteen hundred and five of the Revised Statutes, shall pass to the credit of the appropriation "Signal Service, pay, and so forth," and when paid, including the interest thereon, shall be charged to that appropriation for the fiscal year in which the soldier is discharged.

Deposits of soldiers' savings, how charged.
R. S., § 1305.

Provided further, That the Secretary of War is authorized, in his discretion, to detail for the service with the Signal Corps not to exceed five commissioned officers of the regular Army, to be exclusive of the second lieutenants of the Signal Corps, authorized by law, and the regular Army officers herein authorized to be detailed for the Signal Corps, shall receive their pay and allowances from the appropriations for the support of the Army. * *

Detail from Army.
1890, Oct. 1, ch. 1266, *post*, p. 879.

[*Par. 7.*] *Provided further,* That officers and enlisted men of the Signal Corps may purchase subsistence stores under the same regulations as prescribed for officers and enlisted men of the Army, as authorized by section eleven hundred and forty-four of the Revised Statutes, and paragraph fourteen hundred and two of the Army regulations, eighteen hundred and eighty-nine.

Purchase of subsistence stores.
R. S., § 1144.
1884, July 5, ch. 217, par. 2, *ante*, p. 456.

Provided further, That the pay of the enlisted men, including the items of commutation of quarters, and commutation of fuel, shall be paid monthly to each enlisted man entitled thereto by one check upon one properly certified voucher. * *

Enlisted men to receive pay and commutations in one check monthly.

SEC. 2. (1) That to provide accommodation for the Government Printing Office, and the construction of the needed storage and distributing warehouses in connection therewith, the Secretary of the Treasury, the Public Printer, and the Architect of the Capitol, acting as a board, be, and they are hereby, empowered and instructed to acquire, either by purchase or by condemnation proceedings, as hereinafter provided, the land necessary, in their opinion, for the purposes aforesaid, and for the purposes stated, the sum of two hundred and fifty thousand dollars, or so much thereof as shall be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated.

Accommodations for Government Printing Office.

Board constituted to purchase or condemn necessary land.

SEC. 3. That in the event it shall be necessary, in order to carry out the purpose of the foregoing section, for the board, as above constituted, to acquire land, said board is empowered and directed to acquire the same by negotiation, where any such land may and can be so acquired and title secured at a price not above a fair relative value as to other lands which have been sold in the immediate vicinity;

May purchase at fair price within sixty days.

Or if the said board hereby created shall be unable to purchase said land by agreement with any one or more of the respective owners at a reasonable price within sixty days after the passage of this act they are authorized and directed to make application to the supreme court of the District of Columbia, at any general or special term thereof, by petition for the condemnation of such land not so purchased, and for the ascertainment of its value.

Condemnation proceedings in supreme court, D. C.

Such petition shall contain a particular description of the property not so purchased, and selected for the purpose aforesaid, with the name of the owner or owners thereof and their residences, so far as the same may be ascertained, together with a plan of the land proposed to be taken; and thereupon the said court is authorized and required to cite all such owners and all other persons interested to appear in said court at a time to be fixed by such court, on reasonable

Petition and action thereon.

NOTE.—(1) This and the following section relate in terms to the purchase or condemnation of the site for a Government Printing Office, but, by a provision at the close of § 3, the same procedure is directed in all similar cases in the future in the District of Columbia. The particular appropriation for the Government Printing Office was suspended by 1891, March 3, ch. 542, 26 Stat. L., 969. See note on condemnation of land under Federal authority appended to 1888, Aug. 1, ch. 728, *ante*, p. 601.

notice, to answer the said petition; and if it shall appear to the court that there are any owners or other persons interested who are under disability the court shall give public notice of the time at which the said court will proceed with the matter of condemnation; and at such time if it shall appear that there are any persons under disability either who have appeared or who have not appeared, the court shall appoint guardians ad litem for each such persons,

Court to appoint commissioners.

Duties of commissioners.

Payment, how made.

And the court shall thereupon proceed to appoint three capable and disinterested commissioners to appraise the value of the respective interests of all persons concerned in such lands, under such regulations as to notice and hearing as to the court shall seem meet. Such commissioners shall thereupon, after being duly sworn for the proper performance of their duties, examine the premises and hear the persons in interest who may appear before them, and return their appraisal of the value of the interests of all persons, respectively, in such land;

And when such report shall have been confirmed by the court the President of the United States shall, if he think the public interest requires it, cause payment to be made to the respective persons entitled according to the judgment of the court, and in case any of such persons are under disability, or can not be found, or neglect to receive payment, the money to be paid to any of them shall be deposited in the Treasury to their credit, unless there shall be some person lawfully authorized to receive the same under the direction of the court, and when such payments are so made, or the amounts belonging to persons to whom payment shall not be made are so deposited, the said lands shall be deemed to be condemned and taken by the United States for the public use.

Future condemnation proceedings in D. C. to follow same procedure.

R. S., of D. C., §§ 257-266, 286-292. 1890, Aug. 6.

Disbursing officers to render accounts quarterly.

R. S., §§ 2091, 3622, 5491. 1887, March 3, ch. 359, § 3, *ante*, p. 560.

Secretary of Senate not affected.

R. S., §§ 60, 70.

More frequent accounting may be required.

And hereafter, in all cases of the taking of property in the District of Columbia for public use, whether herein, heretofore, or hereafter authorized, the foregoing provisions, as it respects the application by the proper officer to the supreme court of the District of Columbia and the proceedings therein shall be as in the foregoing provisions declared.

ch. 724, par. 4, *ante*, p. 777.

SEC. 4. That hereafter all disbursing officers of the United States shall render their accounts quarterly;

R. S., §§ 2091, 3622, 5491. 1887, March 3, ch. 359, § 3, *ante*, p. 560. 1888, Aug. 8, ch. 787, *ante*, p. 605.

And the Secretary of the Senate shall render his accounts as heretofore;

But the Secretary of the Treasury may direct any or all such accounts to be rendered more frequently when in his judgment the public interests may require.

SEC. 5. [*Local.*] [August 30, 1890.]

August 30, 1890.

26 Stat. L., 414.

CHAP. 839.—An act providing for an inspection of meats for exportation, prohibiting the importation of adulterated articles of food or drink, and authorizing the President to make proclamation in certain cases, and for other purposes.

Salted pork and bacon for export may be inspected.

Be it enacted, &c., That the Secretary of Agriculture may cause to be made a careful inspection of salted pork and bacon intended for exportation, with a view to determining whether the same is wholesome, sound, and fit for human food whenever the laws, regulations, or orders of the Government of any foreign country to which such pork or bacon is to be exported shall require inspection thereof relating to the importation thereof into such country, and also whenever any buyer, seller, or exporter of such meats intended for exportation shall request the inspection thereof.

Inspection, where to be made and how stamped.

Such inspection shall be made at the place where such meats are packed or boxed, and each package of such meats so inspected shall bear the marks, stamps, or other device for identification provided for in the last clause of this section: *Provided*, That an inspector

of such meats may also be made at the place of exportation if an inspection has not been made at the place of packing, or if in the opinion of the Secretary of Agriculture, a re-inspection becomes necessary.

One copy of any certificate issued by any such inspector shall be filed in the Department of Agriculture; another copy shall be attached to the invoice of each separate shipment of such meat, and a third copy shall be delivered to the consignor or shipper of such meat as evidence that packages of salted pork and bacon have been inspected in accordance with the provisions of this act and found to be wholesome, sound, and fit for human food;

And for the identification of the same such marks, stamps, or other devices as the Secretary of Agriculture may by regulation prescribe shall be affixed to each of such packages.

Any person who shall forge, counterfeit, or knowingly and wrongfully alter, deface, or destroy any of the marks, stamps, or other devices provided for in this section on any package of any such meats, or who shall forge, counterfeit, or knowingly and wrongfully alter, deface, or destroy any certificate in reference to meats provided for in this section, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding one thousand dollars or imprisonment not exceeding one year, or by both said punishments, in the discretion of the court.

SEC. 2. That it shall be unlawful to import into the United States any adulterated or unwholesome food or drug or any vinous, spirituous or malt liquors, adulterated or mixed with any poisonous or noxious chemical drug or other ingredient injurious to health. Any person who shall knowingly import into the United States any such adulterated food or drug, or drink, knowing or having reasons to believe the same to be adulterated, being the owner or the agent of the owner, or the consignor or consignee of the owner, or in privity with them, assisting in such unlawful act, shall be deemed guilty of a misdemeanor, and liable to prosecution therefor in the district court of the United States for the district into which such property is imported; and, on conviction, such person shall be fined in a sum not exceeding one thousand dollars for each separate shipment, and may be imprisoned by the court for a term not exceeding one year, or both, at the discretion of the court.

SEC. 3. That any article designed for consumption as human food or drink, and any other article of the classes or description mentioned in this act, which shall be imported into the United States contrary to its provisions, shall be forfeited to the United States, and shall be proceeded against under the provisions of chapter eighteen of title thirteen of the Revised Statutes of the United States;

And such imported property so declared forfeited may be destroyed or returned to the importer for exportation from the United States after the payment of all costs and expenses, under such regulations as the Secretary of the Treasury may prescribe;

And the Secretary of the Treasury may cause such imported articles to be inspected or examined in order to ascertain whether the same have been so unlawfully imported.

SEC. 4. That whenever the President is satisfied that there is good reason to believe that any importation is being made, or is about to be made, into the United States, from any foreign country, of any article used for human food or drink that is adulterated to an extent dangerous to the health or welfare of the people of the United States, or any of them, he may issue his proclamation suspending the importation of such articles from such country for such period of time as he may think necessary to prevent such importation; and during such period it shall be unlawful to import into the United States from the countries designated in the proclamation of the President any of the articles the importation of which is so suspended.

Inspector's certificate to be filed in Department, attached to invoice and delivered to shipper.

Identification marks to be prescribed.

Forging marks on packages a misdemeanor.

Punishment.

Importation of adulterated food, liquor, &c., prohibited.

Punishment.

Imported adulterated food or drink, forfeited; proceedings.

R. S., §§ 911-1042.

—may be destroyed, or returned for exportation.

Examination of imports.

President may suspend importation of articles believed to be adulterated.

—may suspend importation of products of other countries making unjust discrimination against those of U. S.

SEC. 5. That whenever the President shall be satisfied that unjust discriminations are made by or under the authority of any foreign state against the importation to or sale in such foreign state of any product of the United States, he may direct that such products of such foreign state so discriminating against any product of the United States as he may deem proper shall be excluded from importation to the United States; and in such case he shall make proclamation of his direction in the premises, and therein name the time when such direction against importation shall take effect, and after such date the importation of the articles named in such proclamation shall be unlawful. The President may at any time revoke, modify, terminate, or renew any such direction as, in his opinion, the public interest may require.

Importation of diseased, &c., cattle, &c., prohibited, and penalties. 1890, Oct. 1, ch. 1244, §§ 20, 21, *post*, p. 861.

SEC. 6. That the importation of neat cattle, sheep, and other ruminants, and swine, which are diseased or infected with any disease, or which shall have been exposed to such infection within sixty days next before their exportation, is hereby prohibited; and any person who shall knowingly violate the foregoing provision shall be deemed guilty of a misdemeanor, and shall, on conviction, be punished by a fine not exceeding five thousand dollars, or by imprisonment not exceeding three years, and any vessel or vehicle used in such unlawful importation with the knowledge of the master or owner of said vessel or vehicle that such importation is diseased or has been exposed to infection as herein described, shall be forfeited to the United States.

Secretary of Agriculture to quarantine imported cattle, &c. 1884, May 29, ch. 60, *ante*, p. 435. 1890, July 14, ch. 707, par. 2, *ante*, p. 774.

SEC. 7. That the Secretary of Agriculture be, and is hereby, authorized, at the expense of the owner, to place and retain in quarantine all neat cattle, sheep, and other ruminants, and all swine, imported into the United States, at such ports as he may designate for such purpose, and under such conditions as he may by regulation prescribe, respectively, for the several classes of animals above described; and for this purpose he may have and maintain possession of all lands, buildings, animals, tools, fixtures, and appurtenances now in use for the quarantine of neat cattle, and hereafter purchase, construct, or rent as may be necessary,

—may appoint surgeons, inspectors, &c.

And he may appoint veterinary surgeons, inspectors, officers, and employees by him deemed necessary to maintain such quarantine, and provide for the execution of the other provisions of this act.

Importation of certain animals except at certain quarantine ports, prohibited.

SEC. 8. That the importation of all animals described in this act into any port in the United States, except such as may be designated by the Secretary of Agriculture, with the approval of the Secretary of the Treasury, as quarantine stations, is hereby prohibited;

Slaughter of infected animals and animals exposed to infection.

And the Secretary of Agriculture may cause to be slaughtered such of the animals named in this act as may be, under regulations prescribed by him, adjudged to be infected with any contagious disease, or to have been exposed to infection so as to be dangerous to other animals;

Ascertainment of value of animals slaughtered but not affected.

And that the value of animals so slaughtered as being so exposed to infection but not infected may be ascertained by the agreement of the Secretary of Agriculture and owners thereof, if practicable; otherwise, by the appraisal by two persons familiar with the character and value of such property, to be appointed by the Secretary of Agriculture, whose decision, if they agree, shall be final; otherwise, the Secretary of Agriculture shall decide between them, and his decision shall be final; and the amount of the value thus ascertained shall be paid to the owner thereof out of money in the Treasury appropriated for the use of the Bureau of Animal Industry; but no payment shall be made for any animal imported in violation of the provisions of this act.

Payment to owner of ascertained value.

Animals brought to prohibited ports to be sent to nearest quarantine.

If any animal subject to quarantine according to the provisions of this act are brought into any port of the United States where no quarantine station is established the collector of such port shall

require the same to be conveyed by the vessel on which they are imported or are found to the nearest quarantine station, at the expense of the owner.

SEC. 9. That whenever, in the opinion of the President, it shall be necessary for the protection of animals in the United States against infectious or contagious diseases, he may, by proclamation, suspend the importation of all or any class of animals for a limited time, and may change, modify, revoke, or renew such proclamation, as the public good may require; and during the time of such suspension the importation of any such animals shall be unlawful.

SEC. 10. That the Secretary of Agriculture shall cause careful inspection to be made by a suitable officer of all imported animals described in this act, to ascertain whether such animals are infected with contagious diseases or have been exposed to infection so as to be dangerous to other animals, which shall then either be placed in quarantine or dealt with according to the regulations of the Secretary of Agriculture; and all food, litter, manure, clothing, utensils, and other appliances that have been so related to such animals on board ship as to be judged liable to convey infection shall be dealt with according to the regulations of the Secretary of Agriculture;

And the Secretary of Agriculture may cause inspection to be made of all animals described in this act intended for exportation, and provide for the disinfection of all vessels engaged in the transportation thereof, and of all barges or other vessels used in the conveyance of such animals intended for export to the ocean steamer or other vessels, and of all attendants and their clothing, and of all head-ropes and other appliances used in such exportation, by such orders and regulations as he may prescribe; and if, upon such inspection, any such animals shall be adjudged, under the regulations of the Secretary of Agriculture, to be infected or to have been exposed to infection so as to be dangerous to other animals, they shall not be allowed to be placed upon any vessel for exportation: the expense of all the inspection and disinfection provided for in this section to be borne by the owners of the vessels on which such animals are exported. [August 30, 1890.]

Importation of all animals, may be suspended by proclamation.

Inspection of all imported animals.

Disposal of animals, &c., by regulations of Secretary of Agriculture.

Inspection of animals intended for export and disinfection of vessels.

1891, March 3, ch. 555, *post*, p. 937.

Expenses.

CHAP. 841.—An act to apply a portion of the proceeds of the public lands to the more complete endowment and support of the colleges for the benefit of agriculture and the mechanic arts established under the provisions of an act of Congress approved July second, eighteen hundred and sixty-two.

August 30, 1890.

26 Stat. L., 417.

Be it enacted, &c., That there shall be, and hereby is, annually appropriated, out of any money in the Treasury not otherwise appropriated, arising from the sales of public lands, to be paid as hereinafter provided, to each State and Territory for the more complete endowment and maintenance of colleges for the benefit of agriculture and the mechanic arts now established, or which may be hereafter established, in accordance with an act of Congress approved July second, eighteen hundred and sixty-two, the sum of fifteen thousand dollars for the year ending June thirtieth, eighteen hundred and ninety, and an annual increase of the amount of such appropriation thereafter for ten years by an additional sum of one thousand dollars over the preceding year, and the annual amount to be paid thereafter to each State and Territory shall be twenty-five thousand dollars to be applied only to instruction in agriculture, the mechanic arts, the English language and the various branches of mathematical, physical, natural and economic science, with special reference to their applications in the industries of life, and to the facilities for such instruction:

Provided, That no money shall be paid out under this act to any State or Territory for the support or maintenance of a college where a distinction of race or color is made in the admission of students,

Annual appropriations for endowment of agricultural colleges, &c.

1862, July 2, ch. 130 (12 Stat. L., 503).

1866, July 23, ch. 209 (14 Stat. L., 208).

1887, March 2, ch. 314, *ante*, p. 550.

1888, June 7, ch. 373, *ante*, p. 589.

No money for institutions making distinction of

race, unless separate schools for white and colored are provided.

Division of funds where separate institutions for white and colored.

Time, manner, &c., of annual payments to States or Territories.

Money-grants subject to legislative assent.

Certain installments due, to be paid on assent of governor.

Diminution of fund to be made up by State, or no subsequent payments made.

No portion to be applied to buildings.

Annual report of colleges to Secretaries of Agriculture, and Interior, and to other colleges.

but the establishment and maintenance of such colleges separately for white and colored students shall be held to be a compliance with the provisions of the act if the funds received in such State or Territory be equitably divided as hereinafter set forth:

Provided, That in any State in which there has been one college established in pursuance of the act of July second, eighteen hundred and sixty-two, and also in which an educational institution of like character has been established, or may be hereafter established, and is now aided by such State from its own revenue, for the education of colored students in agriculture and the mechanic arts, however named or styled, or whether or not it has received money heretofore under the act to which this act is an amendment, the legislature of such State may propose and report to the Secretary of the Interior a just and equitable division of the fund to be received under this act between one college for white students and one institution for colored students established as aforesaid, which shall be divided into two parts and paid accordingly, and thereupon such institution for colored students shall be entitled to the benefits of this act and subject to its provisions, as much as it would have been if it had been included under the act of eighteen hundred and sixty-two, and the fulfillment of the foregoing provisions shall be taken as a compliance with the provision in reference to separate colleges for white and colored students.

SEC. 2. That the sums hereby appropriated to the States and Territories for the further endowment and support of colleges shall be annually paid on or before the thirty-first day of July of each year, by the Secretary of the Treasury, upon the warrant of the Secretary of the Interior, out of the Treasury of the United States, to the State or Territorial treasurer, or to such officer as shall be designated by the laws of such State or Territory to receive the same, who shall, upon the order of the trustees of the college, or the institution for colored students, immediately pay over said sums to the treasurers of the respective colleges or other institutions entitled to receive the same, and such treasurers shall be required to report to the Secretary of Agriculture and to the Secretary of the Interior, on or before the first day of September of each year, a detailed statement of the amount so received and of its disbursement.

The grants of moneys authorized by this act are made subject to the legislative assent of the several States and Territories to the purpose of said grants:

Provided, That payments of such installments of the appropriation herein made as shall become due to any State before the adjournment of the regular session of legislature meeting next after the passage of this act shall be made upon the assent of the governor thereof, duly certified to the Secretary of the Treasury.

SEC. 3. That if any portion of the moneys received by the designated officer of the State or Territory for the further and more complete endowment, support, and maintenance of colleges, or of institutions for colored students, as provided in this act, shall, by any action or contingency, be diminished or lost, or be misapplied, it shall be replaced by the State or Territory to which it belongs, and until so replaced no subsequent appropriation shall be apportioned or paid to such State or Territory;

And no portion of said moneys shall be applied, directly or indirectly, under any pretense whatever, to the purchase, erection, preservation, or repair of any building or buildings.

An annual report by the president of each of said colleges shall be made to the Secretary of Agriculture, as well as to the Secretary of the Interior, regarding the condition and progress of each college, including statistical information in relation to its receipts and expenditures, its library, the number of its students and professors, and also as to any improvements and experiments made under the direction of any experiment stations attached to said colleges, with their

cost and results, and such other industrial and economical statistics as may be regarded as useful, one copy of which shall be transmitted by mail free to all other colleges further endowed under this act.

SEC. 4. That on or before the first day of July in each year, after the passage of this act, the Secretary of the Interior shall ascertain and certify to the Secretary of the Treasury as to each State and Territory whether it is entitled to receive its share of the annual appropriation for colleges, or of institutions for colored students, under this act, and the amount which thereupon each is entitled, respectively, to receive.

If the Secretary of the Interior shall withhold a certificate from any State or Territory of its appropriation the facts and reasons therefor shall be reported to the President, and the amount involved shall be kept separate in the Treasury until the close of the next Congress, in order that the State or Territory may, if it should so desire, appeal to Congress from the determination of the Secretary of the Interior. If the next Congress shall not direct such sum to be paid it shall be covered into the Treasury.

And the Secretary of the Interior is hereby charged with the proper administration of this law.

SEC. 5. That the Secretary of the Interior shall annually report to Congress the disbursements which have been made in all the States and Territories, and also whether the appropriation of any State or Territory has been withheld, and if so, the reasons therefor.

SEC. 6. Congress may at any time amend, suspend, or repeal any or all of the provisions of this act. [August 30, 1890.]

Annual ascertainment and certification of amounts due to States.

Secretary of Interior may withhold certificates in certain cases and report facts to President; appeal to Congress.

Secretary of Interior to administer the law.

Annual report to Congress as to disbursement, withholding, &c.

Act may be amended.

CHAP. 873.—An act constituting Cairo, Illinois, a port of delivery in the customs collection district of New Orleans.

Be it enacted, &c., That Cairo, in the State of Illinois, be, and hereby is, established as a port of delivery, in the customs collection district of New Orleans, and that there shall be appointed at said port a surveyor of customs, with compensation of three hundred and fifty dollars per annum and the usual fees and commissions. [September 4, 1890.]

Sept. 4, 1890.

26 Stat. L., 424.

Cairo, Illinois, a port of delivery.

R. S., §§ 2568, 2569, 2707.

Surveyor.

CHAP. 874.—An act extending the criminal jurisdiction of the circuit and district courts to the Great Lakes and their connecting waters.

Be it enacted, &c., That every person who shall, upon any vessel registered or enrolled under the laws of the United States, and being on a voyage upon the waters of any of the Great Lakes, namely, Lake Superior, Lake Michigan, Lake Huron, Lake Saint Clair, Lake Erie, Lake Ontario, or any of the waters connecting any of the said lakes, commit or be guilty of any of the acts, neglects, or omissions, respectively, mentioned in chapter three of title seventy of the Revised Statutes of the United States shall, upon conviction thereof, be punished with the same punishments in the said title and chapter, respectively, affixed to the same offenses therein mentioned, respectively.

SEC. 2. That the circuit and district courts of the United States, respectively, are hereby vested with the same jurisdiction in respect of the offenses mentioned in the first section of this act that they by law have and possess in respect of the offenses in said chapter and title in the first section of this act mentioned, and said courts, respectively, are also for the purposes of this act vested with all and the same jurisdiction they, respectively, have by force of title thirteen, chapter three, and title thirteen, chapter seven, of the Revised Statutes of the United States. [September 4, 1890.]

Sept. 4, 1890.

26 Stat. L., 424.

Offenses, &c., on vessels on the Great Lakes, &c., how punished.

R. S., §§ 5339-5391.

Punishments.

Jurisdiction of such offenses, &c., vested in circuit and district courts.

R. S., §§ 563, 629.

Sept. 4, 1890.

CHAP. 875.—An act in regard to collision at sea.

26 Stat. L., 425.

Duty of master of vessels in case of collision.

1890, Aug. 19, ch. 803, ante, p. 781.

Be it enacted, &c., That in every case of collision between two vessels it shall be the duty of the master or person in charge of each vessel, if and so far as he can do so without serious danger to his own vessel, crew, and passengers (if any), to stay by the other vessel until he has ascertained that she has no need of further assistance, and to render to the other vessel, her master, crew, and passengers (if any) such assistance as may be practicable and as may be necessary in order to save them from any danger caused by the collision, and also to give to the master or person in charge of the other vessel the name of his own vessel and her port of registry, or the port or place to which she belongs, and also the name of the ports and places from which and to which she is bound.

In case of failure to comply, collision deemed to be caused by his neglect, &c.

Failure to be a crime; how punished.

If he fails so to do, and no reasonable cause for such failure is shown, the collision shall, in the absence of proof to the contrary, be deemed to have been caused by his wrongful act, neglect, or default.

SEC. 2. That every master or person in charge of a United States vessel who fails, without reasonable cause, to render such assistance or give such information as aforesaid shall be deemed guilty of a misdemeanor, and shall be liable to a penalty of one thousand dollars, or imprisonment for a term not exceeding two years; and for the above sum the vessel shall be liable and may be seized and proceeded against by process in any district court of the United States by any person; one-half such sum to be payable to the informer and the other half to the United States.

When act takes effect.

SEC. 3. That this act shall take effect at a time to be fixed by the President by Proclamation issued for that purpose. (1) [September 4, 1890.]

NOTE.—(1) This act took effect Dec. 15, 1890, by proclamation, 1890, Nov. 18, No. 14, 26 Stat. L., 1561.

Sept. 19, 1890.

CHAP. 907.—An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes,

26 Stat. L., 426.

Two or more works may be in one contract, &c. R. S., § 3717.

1888, Aug. 11, ch. 860, § 3, ante, p. 610.

Be it enacted, &c., * * SEC. 1. [Makes appropriations.]

SEC. 2. That nothing contained in section thirty-seven hundred and seventeen of the Revised Statutes of the United States, nor in section three of the river and harbor act of August eleventh, eighteen hundred and eighty-eight, shall be so construed as to prohibit or prevent the cumulation of two or more works of river and harbor improvement in the same proposal and contract, where such works are situated in the same region and of the same kind or character. * *

SEC. 3. [Makes local regulations for navigation of South Pass of Mississippi River.]

SEC. 4. That section nine of the river and harbor act of August eleventh, eighteen hundred and eighty-eight, be amended and reenacted so as to read as follows:

Obstructions to navigation by bridges, Secretary of War to provide against.

Substitute for 1888, August 11, ch. 860, § 9 (25 Stat. L., 424).

1884, July 5, ch. 229, § 8, ante, p. 466.

45 Fed. Rep., 178. 1888, Aug. 11, ch. 860, § 2, ante, p. 610.

That whenever the Secretary of War shall have good reason to believe that any railroad or other bridge now constructed, or which may hereafter be constructed over any of the navigable water-ways of the United States is an unreasonable obstruction to the free navigation of such waters on account of insufficient height, width of span, or otherwise, or where there is difficulty in passing the draw-opening or the draw-span of such bridge by rafts, steam boats, or other watercraft, it shall be the duty of the said Secretary, first giving the parties reasonable opportunity to be heard, to give notice to the persons or corporations owning or controlling such bridge so to alter the same as to render navigation through or under it reasonably free, easy, and unobstructed; and in giving such notice he shall specify the changes required to be made, and shall prescribe in each case a reasonable

time in which to make them. If at the end of such time the alteration has not been made, the Secretary of War shall forthwith notify the United States district attorney for the district in which such bridge is situated, to the end that the criminal proceedings mentioned in the succeeding section may be taken.

SEC. 5. That section ten of the river and harbor act of August eleventh, eighteen hundred and eighty-eight, be amended and re-enacted so as to read as follows:

That if the persons, corporation, or association owning or controlling any railroad or other bridge shall, after receiving notice to that effect as hereinbefore required from the Secretary of War and within the time prescribed by him, willfully fail or refuse to remove the same, or to comply with the lawful order of the Secretary of War in the premises such persons, corporation or association shall be deemed guilty of a misdemeanor and, on conviction thereof, shall be punished by a fine not exceeding five thousand dollars, and every month such persons, corporation, or association shall remain in default in respect to the removal or alteration of such bridge shall be deemed a new offense, and subject the persons, corporation, or association so offending to the penalties above prescribed.

SEC. 6. That it shall not be lawful to cast, throw, empty, or unlade, or cause, suffer, or procure to be cast, thrown, emptied, or unladen, either from or out of any ship, vessel, lighter, barge, boat, or other craft, or from the shore, pier, wharf, furnace, manufacturing establishments, or mills of any kind whatever, any ballast, stone, slate, gravel, earth, rubbish, wreck, filth, slabs, edgings, sawdust, slag, cinders, ashes, refuse, or other waste of any kind, into any port, road, roadstead, harbor, haven, navigable river, or navigable waters of the United States which shall tend to impede or obstruct navigation, or to deposit or place or cause, suffer, or procure to be deposited or placed, any ballast, stone, slate, gravel, earth, rubbish, wreck, filth, slabs, edgings, sawdust, or other waste in any place or situation on the bank of any navigable waters where the same shall be liable to be washed into such navigable waters, either by ordinary or high tides, or by storms or floods, or otherwise, whereby navigation shall or may be impeded or obstructed:

Provided, That nothing herein contained shall extend or be construed to extend to the casting out, unlading, or throwing out of any ship or vessel, lighter, barge, boat, or other craft, any stones, rocks, bricks, lime, or other materials used, or to be used, in or toward the building, repairing, or keeping in repair any quay, pier, wharf, weir, bridge, building, or other work lawfully erected or to be erected on the banks or sides of any port, harbor, haven, channel, or navigable river, or to the casting out, unlading, or depositing of any material excavated for the improvement of navigable waters, into such places and in such manner as may be deemed by the United States officer supervising said improvement most judicious and practicable and for the best interests of such improvements, or to prevent the depositing of any substance above mentioned under a permit from the Secretary of War, which he is hereby authorized to grant, in any place designated by him where navigation will not be obstructed thereby.

SEC. 7. That it shall not be lawful to build any wharf, pier, dolphin, boom, dam, weir, breakwater, bulkhead, jetty, or structure of any kind outside established harbor-lines or in any navigable waters of the United States where no harbor-lines are or may be established, without the permission of the Secretary of War, in any port, roadstead, haven, harbor, navigable river, or other waters of the United States, in such manner as shall obstruct or impair navigation, commerce, or anchorage of said waters, and it shall not be lawful hereafter to commence the construction of any bridge, bridge-draw, bridge piers and abutments, causeway or other works over or in any port,

Punishment for default in making alterations, &c.

Substitute for
1888, August 11,
ch. 800, § 10 (25
Stat. L., 425).

Obstructing navigation by deposits of refuse, &c., in navigable waters, prohibited.

1886, Aug. 5, ch. 929, § 2, *ante*, p. 514.

1888, June 29,
ch. 496, *ante*, p. 594.

Lawful deposits.

Obstructions by wharves, &c.

Construction of bridges, under State legislation.

road, roadstead, haven, harbor, navigable river, or navigable waters of the United States, under any act of the legislative assembly of any State, until the location and plan of such bridge or other works have been submitted to and approved by the Secretary of War, or to excavate or fill, or in any manner to alter or modify the course, location, condition, or capacity of the channel of said navigable water of the United States, unless approved and authorized by the Secretary of War:

Secretary of War to approve plans.

Alteration, &c., of channels.

Existing lawful bridges excepted. No bridges under State legislation over waters not wholly in State.

Wrecks, &c., to be removed.

1880, June 4, ch.

211, *ante*, p. 296.

1882, Aug. 2, ch.

375, *ante*, p. 369.

1887, Feb. 23, ch.

221, *ante*, p. 542.

1890, Oct. 1, ch.

1244, § 23, *post*, p.

861.

Injuries to Government works, &c., in navigable waters.

1876, Aug. 14,

ch. 267, *ante*, p.

118.

No obstructions to be created or continued.

Punishment for violation.

Injunction.

Enforcement of act directed.

Provided, That this section shall not apply to any bridge, bridge-draw, bridge piers and abutments the construction of which has been heretofore duly authorized by law, or be so construed as to authorize the construction of any bridge, draw bridge, bridge piers and abutments, or other works, under an act of the legislature of any State over or in any stream, port, roadstead, haven or harbor, or other navigable water not wholly within the limits of such State.

SEC. 8. That all wrecks of vessels and other obstructions to the navigation of any port, roadstead, harbor, or navigable river, or other navigable waters of the United States, which may have been permitted by the owners thereof or the parties by whom they were caused to remain to the injury of commerce and navigation for a longer period than two months, shall be subject to be broken up and removed by the Secretary of War, without liability for any damage to the owners of the same.

SEC. 9. That it shall not be lawful for any person or persons to take possession of or make use for any exclusive purpose, or build upon, alter, deface, destroy, injure, obstruct, or in any other manner impair the usefulness of any sea-wall, bulkhead, jetty, dike, levee, wharf, pier, or other work built by the United States in whole or in part, for the preservation and improvement of any of its navigable waters, or to prevent floods, or as boundary marks, tide-gauges, surveying-stations, buoys, or other established marks, nor remove for ballast or other purposes any stone or other material composing such works.

SEC. 10. That the creation of any obstruction, not affirmatively authorized by law, to the navigable capacity of any waters, in respect of which the United States has jurisdiction, is hereby prohibited. The continuance of any such obstruction, except bridges, piers, docks and wharves, and similiar structures erected for business purposes, whether heretofore or hereafter created, shall constitute an offense and each week's continuance of any such obstruction shall be deemed a separate offense.

Every person and every corporation which shall be guilty of creating or continuing any such unlawful obstruction in this act mentioned, or who shall violate the provisions of the last four preceding sections of this act, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding five thousand dollars, or by imprisonment (in the case of a natural person) not exceeding one year, or by both such punishments, in the discretion of the court, the creating or continuing of any unlawful obstruction in this act mentioned may be prevented and such obstruction may be caused to be removed by the injunction of any circuit court exercising jurisdiction in any district in which such obstruction may be threatened or may exist; and proper proceedings in equity to this end may be instituted under the direction of the Attorney-General of the United States.

SEC. 11. That it shall be the duty of officers and agents having the supervision, on the part of the United States, of the works in progress for the preservation and improvement of said navigable waters, and, in their absence, of the United States collectors of customs and other revenue officers to enforce the provisions of this act

by giving information to the district attorney of the United States for the district in which any violation of any provision of this act shall have been committed: *Provided*, That the provisions of this act shall not apply to Torch Lake, Houghton County, Michigan.

SEC. 12. That section twelve of the river and harbor act of August eleventh, eighteen hundred and eighty-eight, be amended and re-enacted so as to read as follows:

Where it is made manifest to the Secretary of War that the establishment of harbor-lines is essential to the preservation and protection of harbors, he may, and is hereby authorized, to cause such lines to be established, beyond which no piers, wharves, bulk-heads or other works shall be extended or deposits made, except under such regulations as may be prescribed from time to time by him;

And any person who shall willfully violate the provisions of this section, or any rule or regulation made by the Secretary of War in pursuance of this section, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine not exceeding one thousand dollars, or imprisonment not exceeding one year, at the discretion of the court for each offense.

SEC. 13. [*Makes permanent appropriation for removing obstructions in the Ohio River.*]

SEC. 14. [*Makes regulations relative to the Des Moines Rapids Canal.*]

SEC. 15. That in determining the mileage of officers of the corps of engineers traveling without troops on duty connected with works under their charge, no deduction shall be made for such travel as may be necessary on free or bond-aided or land-grant railways.

SEC. 16. [*Declares the Buffalo Bayou Ship Channel, Galveston Bay, open to navigation, &c.*]

SECS. 17, 18. [*Provide for preliminary surveys in various localities.*] [September 19, 1890.]

Harbor lines to be established.

Substitute for
188 . Aug. 11,
ch. 860, § 12 (25
Stat. L., 425).

1886, Aug. 5, ch.
929, ante, p. 514.

Punishment for violation.

Engineer officers; mileage; no deduction on land-grant railways.

R. S., § 1273.
1890, June 13, ch.
423, par. 1, ante, p.
754.

CHAP. 908.—An act to amend certain sections of the Revised Statutes relating to lotteries, and for other purposes.

Sept. 19, 1890.

26 Stat. L., 465.

Be it enacted, &c., That section thirty-eight hundred and ninety-four of the Revised Statutes be, and the same is hereby, amended to read as follows:

SEC. 3894. No letter, postal-card, or circular concerning any lottery, so-called gift concert, or other similar enterprise offering prizes dependent upon lot or chance, or concerning schemes devised for the purpose of obtaining money or property under false pretenses, and no list of the drawings at any lottery or similar scheme, and no lottery ticket or part thereof, and no check, draft, bill, money, postal note, or money-order for the purchase of any ticket, tickets, or part thereof, or of any share or any chance in any such lottery or gift enterprise, shall be carried in the mail or delivered at or through any post-office or branch thereof, or by any letter carrier;

Nor shall any newspaper, circular, pamphlet, or publication of any kind containing any advertisement of any lottery or gift enterprise of any kind offering prizes dependent upon lot or chance, or containing any list of prizes awarded at the drawings of any such lottery or gift enterprise, whether said list is of any part or of all of the drawing, be carried in the mail or delivered by any postmaster or letter-carrier.

Any person who shall knowingly deposit or cause to be deposited, or who shall knowingly send or cause to be sent, anything to be conveyed or delivered by mail in violation of this section, or who shall knowingly cause to be delivered by mail anything herein forbidden to be carried by mail, shall be deemed guilty of a misdemeanor, and on conviction shall be punished by a fine of not more than five hundred dollars or by imprisonment for not more than one year, or by both such fine and imprisonment for each offense.

Lottery, gift enterprise, &c., circulars, &c., not mailable.

Substitute for
R. S., § 3894.
44 Fed. Rep., 671.

Newspapers, &c., containing lottery advertisements, &c., not mailable.

Punishment.

Jurisdiction of offenses.
44 Fed. Rep., 677.

Any person violating any of the provisions of this section may be proceeded against by information or indictment and tried and punished, either in the district at which the unlawful publication was mailed or to which it is carried by mail for delivery according to the direction thereon, or at which it is caused to be delivered by mail to the person to whom it is addressed."

SEC. 2. That section thirty-nine hundred and twenty-nine of the Revised Statutes be, and the same is hereby, amended to read as follows:

Registered letters to lotteries, &c., may be returned.

Substitute for R.S., § 3929.

"SEC. 3929. The Postmaster-General may, upon evidence satisfactory to him that any person or company is engaged in conducting any lottery, gift enterprise, or scheme for the distribution of money, or of any real or personal property by lot, chance, or drawing of any kind, or that any person or company is conducting any other scheme or device for obtaining money or property of any kind through the mails by means of false or fraudulent pretenses, representations, or promises, instruct postmasters at any postoffice at which registered letters arrive directed to any such person or company, or to the agent or representative of any such person or company, whether such agent or representative is acting as an individual or as a firm, bank, corporation, or association of any kind, to return all such registered letters to the postmaster at the office at which they were originally mailed, with the word 'Fraudulent' plainly written or stamped upon the outside thereof; and all such letters so returned to such postmasters shall be by them returned to the writers thereof, under such regulations as the Postmaster-General may prescribe.

—not to be opened.

But nothing contained in this section shall be so construed as to authorize any postmaster or other person to open any letter not addressed to himself.

Evidence of agency.

The public advertisement by such person or company so conducting such lottery, gift enterprise, scheme, or device, that remittances for the same may be made by registered letters to any other person, firm, bank, corporation, or association named therein shall be held to be prima facie evidence of the existence of said agency by all the parties named therein; but the Postmaster-General shall not be precluded from ascertaining the existence of such agency in any other legal way satisfactory to himself."

Payment of money orders in favor of lotteries, &c., may be forbidden and money returned.

Substitute for R.S., § 4041.

SEC. 3. That section four thousand and forty-one of the Revised Statutes be, and the same is hereby, amended to read as follows:

"SEC. 4041. The Postmaster-General may, upon evidence satisfactory to him that any person or company is engaged in conducting any lottery, gift enterprise, or scheme for the distribution of money, or of any real or personal property by lot, chance, or drawing of any kind, or that any person or company is conducting any other scheme for obtaining money or property of any kind through the mails by means of false or fraudulent pretenses, representations, or promises, forbid the payment by any postmaster to said person or company of any postal money-orders drawn to his or its order, or in his or its favor, or to the agent of any such person or company, whether such agent is acting as an individual or as a firm, bank, corporation, or association of any kind, and may provide by regulation for the return to the remitters of the sums named in such money-orders.

Letters not to be opened.

But this shall not authorize any person to open any letter not addressed to himself.

Evidence of agency.

The public advertisement by such person or company so conducting any such lottery, gift enterprise, scheme, or device, that remittances for the same may be made by means of postal money-orders to any other person, firm, bank, corporation, or association named therein shall be held to be prima facie evidence of the existence of said agency by all the parties named therein; but the Postmaster-General shall not be precluded from ascertaining the existence of such agency in any other legal way." [September 19, 1890.]

CHAP. 909.—An act to establish a port of delivery at Sioux City, Iowa.

Sept. 25, 1890.

Be it enacted, &c., That the city of Sioux City, in the State of Iowa, shall be, and is hereby, constituted a port of delivery, annexed to and made a part of the collection district of New Orleans, and shall be subject to the same regulations and restrictions as other ports of delivery in the United States; and the privileges of the first and seventh sections of the act approved June tenth, eighteen hundred and eighty, entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," be, and the same are, extended to said port.

SEC. 2. That there shall be appointed by the President a surveyor of customs for said port, who shall reside at said port, and receive the same compensation now provided, or which may hereafter be provided, by law for surveyors of the same grade. [September 25, 1890.]

26 Stat. L., 466.
Sioux City, Iowa,
a port of deliv-
ery with privileges
of immediate
transportation act
R. S., § 2568.
par. 1.
1890, Jan. 10, ch.
190, §§ 1, 7, ante,
pp. 293, 294.

Surveyor.
R. S., § 2569.
par. 1.

CHAP. 911.—An act to provide for the establishment of a port of delivery at Rock Island, Illinois.

Sept. 25, 1890.

Be it enacted, &c., That Rock Island, in the State of Illinois, be, and hereby is, established as a port of delivery, in the customs collection district of New Orleans, and that there shall be appointed at said port a surveyor of customs, with compensation of three hundred and fifty dollars per annum and the usual fees, for the payment of which compensation an appropriation is hereby made out of any money in the Treasury not otherwise appropriated. [September 25, 1890.]

26 Stat. L., 467.
Rock Island, Ill.,
made a port of
delivery in district
of New Orleans,
&c.
R. S., § 2568,
par. 1.
Surveyor.
R. S., § 2569,
par. 1.

CHAP. 912.—An act to amend an act approved March third, eighteen hundred and eighty-seven, entitled "An act to amend sections twenty-five hundred and thirty-three and twenty-five hundred and thirty-four of the Revised Statutes, and making Hartford, in the State of Connecticut, a port of entry, in place of Middletown."

Sept. 25, 1890.

Be it enacted, &c., That section one of the act approved March third, eighteen hundred and eighty-seven, entitled "An act to amend sections twenty-five hundred and thirty-three and twenty-five hundred and thirty-four of the Revised Statutes, and making Hartford, in the State of Connecticut, a port of entry, in place of Middletown," be amended so as to include within the district of Hartford, Connecticut, the towns of Long Meadow, Agawam, Springfield, and West Springfield, Massachusetts, in which Springfield shall be a port of delivery with the privileges of the seventeenth (1) section of the act of June tenth, eighteen hundred and eighty, entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes;" and there shall be appointed a surveyor of customs for said port, to reside at said port, who shall receive a salary to be determined in amount by the Secretary of the Treasury, not exceeding one thousand dollars per annum. [September 25, 1890.]

26 Stat. L., 467.
Long Meadow,
Agawam, and
West Springfield,
Mass., included in
customs district of
Hartford, Conn.
R. S., § 2533,
par. 3.
1887, Mar. 3, ch.
348, ante, p. 558.
Springfield a port
of delivery with
privilege of im-
mediate transpor-
tation act.
1880, June 10, ch.
190, § 7, ante, p. 294.
Surveyor.
R. S., § 2534,
par. 3.

NOTE.—(1) There is no such section as section 17 in this act and this reference is evidently intended to be to section seven.

CHAP. 917.—An act to create a port of entry at Eagle Pass, Texas, in lieu of Indianola, Texas.

Sept. 25, 1890.

Be it enacted, &c., That paragraph two of section twenty-five hundred and seventy-eight of the Revised Statutes be amended so as to read as follows:

"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 hun-

26 Stat. L., 470.
Eagle Pass,
Tex., made a port
of entry in lieu of
Indianola, Tex.
Substitute for
R. S., § 2578,
par. 2.

dred and forty-seven, to the county of Refugio as bounded on the twenty-eighth day of July eighteen hundred and forty-seven; in which Eagle Pass shall be the port of entry, and Matagorda, Copano, Lavaca and San Antonio, ports of delivery."

That paragraph two of section twenty-five hundred and ninety-nine of the Revised Statutes be amended so as to read as follows:

"Second. In the district of Saluria, a collector who shall reside at Eagle Pass."

SECTION. 2. That section three thousand and four of the Revised Statutes be, and the same is hereby, amended by substituting the words "Eagle Pass" for the word "Indianola." [September 25, 1890.]

Collector at Eagle Pass.
Substitute for R. S., § 2579, par. 2.

Withdrawal for export to Mexico. R. S., § 3004.

Sept. 25, 1890.

26 Stat. L., 474.

CHAP. 922.—An act to amend section five hundred and seventy-two of the Revised Statutes so as to provide for the holding of the regular terms of the circuit and district courts for the western districts of Virginia.

Be it enacted, &c., That hereafter the circuit and district courts of the United States for the western district of Virginia shall be held:

At Danville on the Tuesday after the second Monday in April and November;

At Lynchburg on the Tuesday after the second Monday in March and September;

At Abingdon on the Tuesday after the first Monday in May and October,

And at Harrisonburgh on the Tuesday after the first Monday in June and December, instead of at the times now provided by law.

All process, bonds, and recognizances heretofore issued or existing, having relation to the terms of said courts as now by law existing, shall be deemed and taken to have relation and effect at, and in respect of, the terms of said courts in this act fixed.

[September 25, 1890.]

Virginia.

Terms of courts for western district changed.

R. S., §§ 572, 658.

Process.

Sept. 26, 1890.

26 Stat. L., 484.

CHAP. 944.—An act to amend section thirty-five hundred and ten of the Revised Statutes of the United States, and to provide for new designs of authorized devices of United States coins.

Be it enacted, &c., That section thirty-five hundred and ten of the Revised Statutes of the United States be, and the same is hereby, amended so as to read as follows:

"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, emblems, devices, legends, or designs are authorized, shall, if required by the Director of the Mint, prepare the devices, models, hubs, or original dies for the same.

The Director of the Mint shall have power, with the approval of the Secretary of the Treasury, to cause new designs or models of authorized emblems or devices to be prepared and adopted in the same manner as when new coins or devices are authorized.

But no change in the design or die of any coin shall be made oftener than once in twenty-five years from and including the year of the first adoption of the design, model, die, or hub for the same coin:

Provided, That no change be made in the diameter of any coin:

And provided further, That nothing in this section shall prevent the adoption of new designs or models for devices or emblems already authorized for the standard silver dollar and the five-cent nickel piece as soon as practicable after the passage of this act.

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

Original working dies for coins to be prepared.

Substitute for R. S., § 3510.

New designs, &c., of authorized emblems.

—not to be made oftener than once in 25 years.

—diameter not to be changed.

Dies for standard silver dollar and five-cent nickel piece.

Distinguished artists may be employed.

their respective departments of art, who shall be paid for such service from the contingent appropriation for the mint at Philadelphia." [September 26, 1890.]

CHAP. 945.—An act to discontinue the coinage of the three-dollar and one-dollar gold pieces and three-cent nickel piece.

Sept. 26, 1890.

Be it enacted, &c., That from and after the passage of this act the coinage of the three-dollar gold piece, the one-dollar gold piece, and the three-cent nickel piece be, and the same is hereby, prohibited, and the pieces named shall not be struck or issued by the Mint of the United States.

SEC. 2. That as fast as the said coins shall be paid into the Treasury of the United States they shall be withdrawn from circulation and be recoined into other denominations of coins.

SEC. 3. That all laws and parts of laws in conflict with this act are hereby repealed. [September 26, 1890.]

26 Stat. L., 485.

Three-dollar and one-dollar gold, and three-cent nickel pieces not to be coined.

R. S., §§ 3511, 3515.
—to be withdrawn and recoined.

Repeal.

CHAP. 946.—An act creating an additional land office in the State of North Dakota.

Sept. 26, 1890.

Be it enacted, &c., That all that portion of the State of North Dakota, bounded and described as follows: Commencing at the north-west corner of the State of North Dakota; thence east along the north boundary of said State to a point at the intersection of said line with the eleventh guide meridian; thence south along said meridian to the twelfth standard parallel; thence west along said parallel, when produced, to the western boundary line of said State of North Dakota; thence north along the western boundary line of said State to the place of beginning, be, and is hereby, constituted a new land district, to be called the Minot land district.

SEC. 2. That the President shall designate the place in the district at which the land office shall be located.

SEC. 3. That the President, by and with the advice and consent of the Senate, is hereby authorized to appoint a register and receiver for said land district hereby created, who shall discharge like and similar duties and receive the same amount of compensation therefor as other officers discharging like duties in the land offices of the State of North Dakota;

And said land district shall be subjected, as other land districts are, under the laws, to be changed or consolidated with any other district or districts, and the land office may be changed to any other location by order of the President. [September 26, 1890.]

26 Stat. L., 485.
Minot land district, North Dakota.

R. S., § 2256, p. 411.

1874, April 24, ch. 127, *ante*, p. 9. 1880, Jan. 21, ch. 8, *ante*, p. 275. 1883, March 3, ch. 140, *ante*, p. 415.

Land office.

Register and receiver.

District and office may be changed.

CHAP. 949.—An act establishing a free public bathing beach on the Potomac River near Washington Monument.

Sept. 26, 1890.

Be it enacted, &c., That the Commissioners of the District of Columbia are hereby authorized and permitted to construct a beach and dressing houses upon the east shore of the tidal reservoir against the Washington Monument grounds, and to maintain the same for the purpose of free public bathing, under such regulations as they shall deem to be for the public welfare; and the Secretary of War is requested to permit such use of the public domain as may be required to accomplish the objects above set forth.

SEC. 2. [Appropriation for one year.] [September 26, 1890.]

26 Stat. L., 490.

Bathing beach on Potomac River, Washington, D. C., &c.

Sept. 27, 1890.

CHAP. 998.—An act to amend the Articles of War relative to the punishment on conviction by courts-martial.

26 Stat. L., 491.

Punishment by sentence of courts martial, Army, may be limited.

R. S., § 1342.

1890, Oct. 1, ch. 1259, § 1, post, p. 878.

Be it enacted, &c., That whenever by any of the Articles of War for the government of the Army the punishment or conviction of any military offense is left to the discretion of the court martial the punishment therefor shall not, in time of peace, be in excess of a limit which the President may prescribe. [September 27, 1890.]

Sept. 29, 1890.

CHAP. 1040.—An act to forfeit certain lands heretofore granted for the purpose of aiding in the construction of railroads, and for other purposes.

26 Stat. L., 496.

Unearned lands granted to railroads forfeited.

—restored to public domain.

Preference rights of present actual settlers to take homesteads.

Bona fide purchasers from State or railroad may purchase.

1891, Feb. 18, ch. 244, post, p. 894.

Be it enacted, &c., That there is hereby forfeited to the United States, and the United States hereby resumes the title thereto, all lands heretofore granted to any State or to any corporation to aid in the construction of a railroad opposite to and coterminus with the portion of any such railroad not now completed, and in operation, for the construction or benefit of which such lands were granted; and all such lands are declared to be a part of the public domain: *Provided*, That this act shall not be construed as forfeiting the right of way or station grounds of any railroad company heretofore granted.

SEC. 2. That all persons who, at the date of the passage of this act, are actual settlers in good faith on any of the lands hereby forfeited and are otherwise qualified, on making due claim on said lands under the homestead law within six months after the passage of this act, shall be entitled to a preference right to enter the same under the provisions of the homestead law and this act, and shall be regarded as such actual settlers from the date of actual settlement or occupation; and any person who has not heretofore had the benefit of the homestead or pre-emption law, or who has failed from any cause to perfect the title to a tract of land heretofore entered by him under either of said laws, may make a second homestead entry under the provisions of this act. The Secretary of the Interior shall make such rules as will secure to such actual settlers these rights.

SEC. 3. That in all cases where persons being citizens of the United States, or who have declared their intentions to become such, in accordance with the naturalization laws of the United States, are in possession of any of the lands affected by any such grant and hereby resumed by and restored to the United States, under deed, written contract with, or license from, the State or corporation to which such grant was made, or its assignees, executed prior to January first, eighteen hundred and eighty-eight, or where persons may have settled said lands with *bona fide* intent to secure title thereto by purchase from the State or corporation when earned by compliance with the conditions or requirements of the granting acts of Congress they shall be entitled to purchase the same from the United States, in quantities not exceeding three hundred and twenty acres to any one such person, at the rate of one dollar and twenty-five cents per acre, at any time within two years from the passage of this act, and on making said payments to receive patents therefor, and where any such person in actual possession of any such lands and having improved the same prior to the first day of January, eighteen hundred and ninety, under deed, written contract, or license as aforesaid, or his assignor, has made partial or full payments to said railroad company prior to said date, on account of the purchase price of said lands from it, on proof of the amount of such payments he shall be entitled to have the same, to the extent and amount of one dollar and twenty-five cents per acre, if so much has been paid, and not more, credited to him on account of and as part of the purchase price

herein provided to be paid the United States for said lands, or such persons may elect to abandon their purchases and make claim on said lands under the homestead law and as provided in the preceding section of this act:

Provided, That in all cases where parties, persons, or corporations, with the permission of such State or corporation, or its assignees, are in the possession of and have made improvements upon any of the lands hereby resumed and restored, and are not entitled to enter the same under the provisions of this act, such parties, persons, or corporations shall have six months in which to remove any growing crop, and within which time they shall also be entitled to remove all buildings and other movable improvements from said lands:

Provided further, That the provisions of this section shall not apply to any lands situate in the State of Iowa on which any person in good faith has made or asserted the right to make a pre-emption or homestead settlement:

And provided further, That nothing in this act contained shall be construed as limiting the rights granted to purchasers or settlers by "An act to provide for the adjustment of land grants made by Congress to aid in the construction of railroads and for the forfeiture of unearned lands, and for other purposes," approved March third, eighteen hundred and eighty-seven, or as repealing, altering, or amending said act, nor as in any maner affecting any cause of action existing in favor of any purchaser against his grantor for breach of any covenants of title. * *

SEC. 4. [*Repeals certain special grants to Iowa and Minnesota; 10 Stat. L., 9; 13 id., 74, 98, 527; 14 id., 88.*]

SEC. 5. [*Provides for relief of certain assignees of the Northern Pacific R. R. Co.*]

SEC. 6. That no lands declared forfeited to the United States by this act shall by reason of such forfeiture inure to the benefit of any State or corporation to which lands may have been granted by Congress, except as herein otherwise provided; nor shall this act be construed to enlarge the area of land originally covered by any such grant, or to confer any right upon any State, corporation or person to lands which were excepted from such grant. Nor shall the moiety of the lands granted to any railroad company on account of a main and a branch line appertaining to uncompleted road, and hereby forfeited, within the conflicting limits of the grants for such main and branch lines, when but one of such lines has been completed, inure by virtue of the forfeiture hereby declared, to the benefit of the completed line.

SEC. 7. [*Provides for the relief of purchasers, &c., from the U. S. of lands granted to the Gulf & Ship Island R. R. Co. (11 Stat. L., 30).*]

SEC. 8. [*Provides for the relief of the Mobile & Girard and Alabama & Florida R. R. Cos., and purchasers within the limits of their grants.*] [September 29, 1890.]

Persons in possession may remove crops and improvements.

Certain lands in Iowa exempted.

Rights of certain purchasers, etc., not limited. 1887, March 3, ch. 376, ante, p. 564.

Forfeited lands not to inure to the benefit of original grantees.

CHAP. 1047.—An act to provide for the establishment of a port of delivery at Peoria, Illinois.

Be it enacted, &c., That Peoria, in the State of Illinois, be, and hereby is, established as a port of delivery, in the customs collection district of New Orleans, and that there shall be appointed at said port a surveyor of customs with compensation of three hundred and fifty dollars per annum and the usual fees, for the payment of which compensation an appropriation is hereby made out of any money in the Treasury not otherwise appropriated. [September 29, 1890.]

Sept. 29, 1890.

26 Stat. L., 501.
Peoria, Ill., a
port of delivery.
R. S., §§ 2568,
2569.
Surveyor.

Sept. 30, 1890. CHAP. 1121.—An act to authorize entry of the public lands by incorporated cities and towns for cemetery and park purpose.

26 Stat. L., 502.
Cities, &c., may purchase certain lands for cemeteries and parks.
R. S., § 2383.

Be it enacted, &c., That incorporated cities and towns shall have the right, under rules and regulations prescribed by the Secretary of the Interior, to purchase for cemetery and park purposes not exceeding one-quarter section of public lands not reserved for public use, such lands to be within three miles of such cities or towns:

Mineral lands.

Provided, That when such city or town is situated within a mining district, the land proposed to be taken under this act shall be considered as mineral lands, and patent to such land shall not authorize such city or town to extract mineral therefrom, but all such mineral shall be reserved to the United States, and such reservation shall be entered into such patent. [September 30, 1890.]

Sept. 30, 1890. CHAP. 1123.—An act to repeal sections thirty-nine hundred and fifty-two and thirty-nine hundred and fifty-three of Revised Statutes of the United States.

26 Stat. L., 503.
Provisions for release of bidders for carrying mail repealed.
Repeal of R. S., §§ 3952, 3953.

Be it enacted, &c., That sections thirty-nine hundred and fifty-two and thirty-nine hundred and fifty-three of the Revised Statutes of the United States be, and the same are hereby, repealed. [September 30, 1890.]

Sept. 30, 1890. CHAP. 1125.—An act to amend chapter sixty-seven, volume twenty-third, of the Statutes at Large of the United States.

26 Stat. L., 504.
Retired list for privates and non-commissioned officers of Army and Marine Corps.
Substitute for 1885, Feb. 14, ch. 67 (23 Stat. L., 305).

Be it enacted, &c., That chapter sixty-seven of volume twenty-three of the Statutes at Large of the United States, being an act entitled "An act to authorize a retired list for privates and non-commissioned officers of the United States Army who have served as such for a period of thirty years or upward," approved February fourteenth, eighteen hundred and eighty-five, be amended so as to read as follows:

R. S., §§ 1243-1260.
1882, June 30, ch. 254, par. 2, ante, p. 348.
1886, July 29, ch. 810, ante, p. 502.
War-service, &c., to be computed as double time.

That when an enlisted man has served as such thirty years in the United States Army or Marine Corps, either as private or non-commissioned officer, or both, he shall by application to the President be placed on the retired list hereby created, with the rank held by him at the date of retirement, and he shall receive thereafter seventy-five per centum of the pay and allowances of the rank upon which he was retired:

Provided, That if said enlisted man had war service with the Army in the field, or in the Navy or Marine Corps in active service, either as volunteer or regular, during the war of the rebellion, such war service shall be computed as double time in computing the thirty years necessary to entitle him to be retired. [September 30, 1890.]

Sept. 30, 1890. CHAP. 1126.—An act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June thirtieth, eighteen hundred and ninety, and for prior years, and for other purposes.

26 Stat. L., 504.
Additional deputy surveyors and naval officers at New York authorized.
R. S., §§ 2705, 2722.

Be it enacted, &c., * * [Par. 1.] And the proper accounting officers of the Treasury are hereby authorized hereafter in the settlement of the accounts of the collector of customs at the port of New York to allow payments for salaries of two additional deputy surveyors at the rate of two thousand five hundred dollars each per annum, and for one additional deputy naval officer at the rate of two thousand five hundred dollars per annum.

And such clerks and inspectors of customs as the Secretary of the Treasury may designate for the purpose shall be authorized to administer oaths, such as deputy collectors of customs are now authorized to administer, and no compensation shall be paid or charge made therefor. * *

Oaths may be administered by clerks and inspectors of customs.
R. S., § 2805.
ante, pp. 744, 750.

[*Par. 2.*] That hereafter the Secretary of the Treasury shall include in his annual report, in the statements of actual and estimated receipts and expenditures of the Government, the revenues from and expenditures on account of the postal service. * *

Postal receipts, and expenditures to be included in finance report.
R. S., § 257.

[*Par. 3.*] That hereafter interest, when authorized by law, on judgments against the District of Columbia, in suits begun after the passage of this act, shall be at the rate of not exceeding four per centum per annum. * *

Interest on judgments against the District of Columbia to be 4 per cent.
R. S. of D. C., § 829.

[*Par. 4.*] That hereafter it shall be the duty of the Secretary of the Treasury to certify to Congress for appropriation only such judgments of the Court of Claims as are not to be appealed, or such appealed cases as shall have been decided by the Supreme Court to be due and payable.

Court of Claims judgments, what, to be certified to Congress.

And on judgments in favor of claimants which have been appealed by the United States and affirmed by the Supreme Court, interest, at the rate of four per centum per annum, shall be allowed and paid from the date of filing the transcript of judgment in the Treasury Department up to and including the date of the mandate of affirmance by the Supreme Court:

1884, July 7, ch. 334, par. 2, *ante*, p. 470.
—interest on appealed judgments to be 4 per cent.
R. S., § 1090.

Provided, That in no case shall interest be allowed after the term of the Supreme Court at which said judgment was affirmed. * *
[September 30, 1890.]

1887, Mar. 3, ch. 359, § 10, *ante*, p. 561.
—when to cease to run.

CHAP. 1239.—An act to open abandoned military reservations in the State of Nevada to homestead entry.

October 1, 1890.
26 Stat. L., 561.

Be it enacted, &c., That all the agricultural lands embraced within the military reservations in the State of Nevada which have been placed under the control of the Secretary of the Interior for disposition be disposed of under the homestead laws, and not otherwise.
[October 1, 1890.]

Agricultural lands of military reservations in Nevada, opened to homestead entry only.

CHAP. 1241.—An act to provide for the examination of certain officers of the Army and to regulate promotions therein.

R. S., §§ 2289-2317.
1884, July 5, ch. 214, *ante*, p. 453.
October 1, 1890.
26 Stat. L., 563.

Be it enacted, &c., That hereafter promotion to every grade in the Army below the rank of brigadier-general, throughout each arm, corps, or department of the service, shall, subject to the examination hereinafter provided for, be made according to seniority in the next lower grade of that arm, corps, or department:

Army promotions to be by seniority subject to examination.

Provided, That in the line of the Army all officers now above the grade of second lieutenant shall, subject to such examination, be entitled to promotion in accordance with existing laws and regulations.

R. S., §§ 1194, 1204.
1885, Feb. 5, ch. 50, *ante*, p. 473.

SEC. 2. That officers of grades in each arm of the service shall be assigned to regiments, and transferred from one regiment to another, as the interests of the service may require, by orders from the War Department,

Assignment and transfer of officers of grades.

And hereafter all appointments in the line of the Army shall be by commission in an arm of the service and not by commission in any particular regiment.

Line appointments to be to arm, and not to regiment.

Examination for fitness for promotion of all below major.

Re-examination of those already passed may be waived.

On failure to pass, next below to be appointed.

Retirement on physical disability contracted in line of duty.

Failure for other reason.

Failure on re-examination.

Examination of officers appointed from civil life, &c. 1878, June 17, ch. 263, §§ 3, 4, ante, pp. 288, 289.

Existing law not to limit retirement.

SEC. 3. That the President be, and he is hereby, authorized to prescribe a system of examination of all officers of the Army below the rank of major to determine their fitness for promotion, such an examination to be conducted at such times anterior to the accruing of the right to promotion as may be best for the interests of the service:

Provided, That the President may waive the examination for promotion to any grade in the case of any officer who in pursuance of existing law has passed a satisfactory examination for such grade prior to the passage of this act:

And provided, That if any officer fails to pass a satisfactory examination and is reported unfit for promotion, the officer next below him in rank, having passed said examination, shall receive the promotion:

And provided, That should the officer fail in his physical examination and be found incapacitated for service by reason of physical disability contracted in line of duty he shall be retired with the rank to which his seniority entitled him to be promoted;

But if he should fail for any other reason he shall be suspended from promotion for one year, when he shall be re-examined, and in case of failure on such re-examination he shall be honorably discharged with one year's pay from the Army:

And provided further, That the examination of officers appointed in the Army from civil life, or of officers who were officers of volunteers only, or were officers of the militia of the several States called into the service of the United States, or were enlisted men in the regular or volunteer service, either in the Army, Navy, or Marine Corps, during the war of the rebellion, shall be conducted by boards composed entirely of officers who were appointed from civil life or of officers who were officers of volunteers only during said war, and such examination shall relate to fitness for practical service and not to technical and scientific knowledge; and in case of failure of any such officer in the re-examination hereinbefore provided for, he shall be placed upon the retired list of the Army;

And no act now in force shall be so construed as to limit or restrict the retirement of officers as herein provided for. [October 1, 1890.]

October 1, 1890.

26 Stat. L., 567.

Tariff of 1890. 46 Fed. Rep., 522.

Duties on imports.

CHAP. 1244.—An act to reduce the revenue and equalize duties on imports, and for other purposes (1).

Be it enacted, &c., That on and after the sixth day of October, eighteen hundred and ninety, unless otherwise specially provided for in this act, there shall be levied, collected, and paid upon all articles imported from foreign countries, (2) and mentioned in the schedules herein contained, the rates of duty which are, by the schedules and paragraphs, respectively prescribed, namely: (3)

SCHEDULE A.—CHEMICALS, OILS AND PAINTS.

SCHEDULE A.
Chemicals, oils, and paints.
Acids.

1. Acetic or pyroligneous acid, not exceeding the specific gravity of one and forty-seven one-thousandths, one and one-half cents per pound; exceeding the specific gravity of one and forty-seven one thousandths, four cents per pound.
2. Boracic acid, five cents per pound.
3. Chromic acid, six cents per pound.
4. Citric acid, ten cents per pound.

NOTES.—(1) The various articles mentioned in this act are specifically indexed under the general index heading, "Tariff of 1890." The tariff on any article mentioned can be found by referring thereto.
(2) The act of 1891, March 3, ch. 534, post, p. 910, secures to the Hawaiian Islands the continuance of the commercial privileges secured by the treaties proclaimed 1875, June 3, 19 Stat. L., 625, and 1887, Nov. 3, 25 Stat. L., 1369, notwithstanding the above act.
(3) §§ 1 and 2 of this act supersede the tariff schedule contained in the Revised Statutes, §§ 2504, 2505 and the tariff act of 1883, March 3, ch. 121, § 6, paragraphs designated as substitutes for R. S., §§ 2502, 2503, 22 Stat. L., 491-522.

5. Sulphuric acid or oil of vitriol, not otherwise specially provided for, one-fourth of one cent per pound.

6. Tannic acid or tannin, seventy-five cents per pound.

7. Tartaric acid, ten cents per pound.

8. Alcoholic perfumery, including cologne-water and other toilet waters, two dollars per gallon and fifty per centum ad valorem; alcoholic compounds not specially provided for in this act, two dollars per gallon and twenty-five per centum ad valorem.

9. Alumina, alum, alum cake, patent alum, sulphate of alumina, and aluminous cake, and alum in crystals or ground, sixth-tenths of one cent per pound.

10. AMMONIA.—Carbonate of, one and three-fourths cents per pound; muriate of, or sal-ammoniac, three fourths of one cent per pound; sulphate of, one-half of one cent per pound.

11. Blacking of all kinds, twenty-five per centum ad valorem.

12. Blue vitriol, or sulphate of copper, two cents per pound.

13. Bone-char, suitable for use in decolorizing sugars, twenty-five per centum ad valorem.

14. Borax, crude, or borate of soda, or borate of lime, three cents per pound; refined borax, five cents per pound.

15. Camphor, refined, four cents per pound.

16. Chalk, prepared, precipitated, French, and red, one cent per pound; all other chalk preparations not specially provided for in this act, twenty-per centum ad valorem.

17. Chloroform, twenty-five cents per pound.

COAL-TAR PREPARATIONS.—

18. All coal-tar colors or dyes, by whatever name known, and not specially provided for in this act, thirty-five per centum ad valorem.

19. All preparations of coal-tar, not colors or dyes, not specially provided for in this act, twenty per centum ad valorem.

20. Cobalt, oxide of, thirty cents per pound.

21. Collodion and all compounds of pyroxyline, by whatever name known, fifty cents per pound; rolled or in sheets, but not made up into articles, sixty cents per pound; if in finished or partly-finished articles, sixty cents per pound and twenty-five per centum ad valorem.

22. Coloring for brandy, wine, beer, or other liquors, fifty per centum ad valorem.

23. Copperas or sulphate of iron, three-tenths of one cent per pound.

24. Drugs, such as barks, beans, berries, balsams, buds, bulbs, and bulbous roots, and excrescences, such as nut-galls, fruits, flowers, dried fibers grains, gums, and gum resins, herbs, leaves, lichens, mosses, nuts, roots and stems, spices, vegetables, seeds (aromatic, not garden seeds), and seeds of morbid growth, weed-woods used expressly for dyeing, and dried insects, any of the foregoing which are not edible, but which have been advanced in value or condition by refining or grinding, or by other process of manufacture, and not specially provided for in this act, ten per centum ad valorem.

25. Ethers sulphuric, forty cents per pound; spirits of nitrous ether, twenty-five cents per pound; fruit ethers, oils, or essences, two dollars and fifty cents per pound; ethers of all kinds not specially provided for in this act, one dollar per pound.

26. Extracts and decoctions of logwood and other dye-woods, extract of sumac, and extracts of barks, such as are commonly used for dyeing or tanning, not specially provided for in this act, seven-eighths of one cent per pound; extracts of hemlock bark one-half of one cent per pound.

27. Gelatine, glue, and isinglass or fish-glue, valued at not above seven cents per pound, one and one-half cents per pound; valued at above seven cents per pound and not above thirty cents per pound, twenty-five per centum ad valorem; valued at above thirty cents per pound, thirty per centum ad valorem.

SCHEDULE A.
Chemicals, oils,
and paints—con-
tinued.

Ammonia.

Coal-tar prepa-
rations.

SCHEDULE A.
Chemicals, oils,
and paints—con-
tinued.

28. Glycerine, crude, not purified, one and three-fourths cents per pound. Refined, four and one-half cents per pound.
29. Indigo, extracts, or pastes of, three-fourths of one cent per pound; carmined, ten cents per pound.
30. Ink and ink-powders, printers' ink, and all other ink not specially provided for in this act, thirty per centum ad valorem.
31. Iodine, resublimed, thirty cents per pound.
32. Iodoform, one dollar and fifty cents per pound.
33. Licorice, extracts of, in paste, rolls, or other forms, five and one-half cents per pound.
34. Magnesia, carbonate of, medicinal, four cents per pound; calcined, eight cents per pound; sulphate of, or Epsom salts, three-tenths of one cent per pound.
35. Morphia, or morphine, and all salts thereof, fifty cents per ounce.

Oils.

OILS.—

36. Alizarine assistant, or soluble oil, or oleate of soda, or Turkey red oil, containing fifty per centum or more of castor oil, eighty cents per gallon; containing less than fifty per centum of castor oil, forty cents per gallon; all other, thirty per centum ad valorem.
37. Castor oil, eighty cents per gallon.
38. Cod-liver oil, fifteen cents per gallon.
39. Cotton-seed oil, ten cents per gallon of seven and one-half pounds weight.
40. Croton-oil, thirty cents per pound.
41. Flaxseed or linseed and poppy-seed oil, raw, boiled, or oxidized, thirty-two cents per gallon of seven and one-half pounds weight.
42. Fusel oil, or amylic alcohol, ten per centum ad valorem.
43. Hemp-seed oil and rape-seed oil, ten cents per gallon.
44. Olive oil, fit for salad purposes, thirty-five cents per gallon.
45. Peppermint oil, eighty cents per pound.
46. Seal, herring, whale, and other fish oil not specially provided for in this act, eight cents per gallon.
47. Opium, aqueous extract of, for medicinal uses, and tincture of, as laudanum, and all other liquid preparations of opium, not specially provided for in this act, forty per centum ad valorem.
48. Opium containing less than nine per centum of morphia, and opium prepared for smoking, twelve dollars per pound; but opium prepared for smoking and other preparations of opium deposited in bonded-warehouse shall not be removed therefrom without payment of duties, and such duties shall not be refunded.

PAINTS, COLORS, AND VARNISHES.—

49. Baryta, sulphate of, or barytes, including barytes earth, unmanufactured, one dollar and twelve cents per ton; manufactured, six dollars and seventy-two cents per ton.
50. Blues, such as Berlin, Prussian, Chinese, and all others, containing ferrocyanide of iron, dry or ground in or mixed with oil, six cents per pound; in pulp or mixed with water six cents per pound on the material contained therein when dry.
51. Blanc-fixe, or satin white, or artificial sulphate of barytes, three-fourths of one cent per pound.
52. Black, made from bone, ivory, or vegetable, under whatever name known, including bone-black and lamp-black, dry or ground in oil or water, twenty-five per centum ad valorem.
53. Chrome yellow, chrome green, and all other chromium colors in which lead and bichromate of potash or soda are component parts, dry, or ground in or mixed with oil, four and one-half cents per pound; in pulp or mixed with water, four and one-half cents per pound on the material contained therein when dry.
54. Ocher and ochery earths, sienna and sienna earths, umber and umber earths not specially provided for in this act, dry, one-fourth

Par. 663, post,
p. 853 and §§ 38,
39, pp. 865, 866.
1887, Feb. 23,
ch. 210, ante, p.
538.

Paints, colors,
and varnishes.

of one cent per pound; ground in oil, one and one-half cents per pound.

55. Ultramarine blue, four and one-half cents per pound.

56. Varnishes, including so-called gold size or japan, thirty-five per centum ad valorem; and on spirit varnishes for the alcohol contained therein, one dollar and thirty-two cents per gallon additional.

57. Vermilion red, and colors containing quicksilver, dry or ground in oil or water, twelve cents per pound.

58. Wash blue, containing ultramarine, three cents per pound.

59. Whiting and Paris white, dry, one-half of one cent per pound; ground in oil, or putty, one cent per pound.

60. Zinc, oxide of, and white paint containing zinc, but not containing lead; dry, one and one-fourth cents per pound; ground in oil, one and three-fourth cents per pound.

61. All other paints and colors, whether dry or mixed, or ground in water or oil, including lakes, crayons, smalts, and frostings, not specially provided for in this act, and artists' colors of all kinds, in tubes or otherwise, twenty-five per centum ad valorem; all paints and colors, mixed or ground with water or solutions other than oil, and commercially known as artists' water color paints, thirty per centum ad valorem.

LEAD PRODUCTS.—

62. Acetate of lead, white, five and one-half cents per pound; brown, three and one-half cents per pound.

63. Litharge, three cents per pound.

64. Nitrate of lead, three cents per pound.

65. Orange mineral, three and one-half cents per pound.

66. Red lead, three cents per pound.

67. White lead, and white paint containing lead, dry or in pulp, or ground or mixed with oil, three cents per pound.

68. Phosphorus, twenty cents per pound.

POTASH.—

69. Bichromate and chromate of, three cents per pound.

70. Caustic or hydrate of, refined in sticks or rolls, one cent per pound.

71. Hydriodate, iodide, and iodate of, fifty cents per pound.

72. Nitrate of, or saltpeter, refined, one cent per pound.

73. Prussiate of, red, ten cents per pound; yellow, five cents per pound.

PREPARATIONS.—

74. All medicinal preparations, including medicinal proprietary preparations, of which alcohol is a component part, or in the preparation of which alcohol is used, not specially provided for in this act, fifty cents per pound.

75. All medicinal preparations, including medicinal proprietary preparations, of which alcohol is not a component part, and not specially provided for in this act, twenty-five per centum ad valorem; calomel and other mercurial medicinal preparations, thirty-five per centum ad valorem.

76. Products or preparations known as alkalies, alkaloids, distilled oils, essential oils, expressed oils, rendered oils, and all combinations of the foregoing, and all chemical compounds and salts, not specially provided for in this act, twenty-five per centum ad valorem.

77. Preparations used as applications to the hair, mouth, teeth, or skin, such as cosmetics, dentifrices, pastes, pomades, powders, and tonics, including all known as toilet preparations, not specially provided for in this act, fifty per centum ad valorem.

78. Santonine, and all salts thereof containing eighty per centum or over of santonine, two dollars and fifty cents per pound.

79. Soap: Castile-soap, one and one-fourth cents per pound; fancy, perfumed, and all descriptions of toilet-soap, fifteen cents per pound;

SCHEDULE A.
Chemicals, oils,
and paints—con-
tinued.

Lead products.

Potash.

Preparations.

SCHEDULE A.
Chemicals, oils,
and paints—con-
tinued.

Soda.

all other soaps, not specially provided for in this act, twenty per centum ad valorem.

SODA.—

80. Bicarbonate of soda or supercarbonate of soda or saleratus, one cent per pound.

81. Hydrate of, or caustic soda, one cent per pound.

82. Bichromate and chromate of, three cents per pound.

83. Sal-sodà, or soda-crystals, and soda-ash, one fourth of one cent per pound.

84. Silicate of soda, or other alkaline silicate, one-half of one cent per pound.

85. Sulphate of soda, or salt-cake or niter-cake, one dollar and twenty-five cents per ton.

86. Sponges, twenty per centum ad valorem.

87. Strychnia, or strychnine, and all salts thereof, forty cents per ounce.

88. Sulphur, refined, eight dollars per ton; sublimed, or flowers of, ten dollars per ton.

89. Sumac, ground, four-tenths of one cent per pound.

90. Tartar, cream of, and patent tartar, six cents per pound.

91. Tartars and lees crystals, partly refined, four cents per pound.

92. Tartrate of soda and potassa, or Rochelle salts, three cents per pound.

SCHEDULE B.
Earths, earthen-
ware, and glass-
ware.

Brick and tile.

SCHEDULE B.—EARTHS, EARTHENWARE, AND GLASSWARE.

BRICK AND TILE.—

93. Fire-brick, not glazed, enameled, ornamented, or decorated in any manner, one dollar and twenty-five cents per ton; glazed, enameled, ornamented, or decorated, forty-five per centum ad valorem.

94. Tiles and brick, other than fire-brick, not glazed, ornamented, painted, enameled, vitrified, or decorated, twenty-five per centum ad valorem; ornamented, glazed, painted, enameled, vitrified, or decorated, and all encaustic, forty-five per centum ad valorem.

**Cement, lime,
and plaster.**

CEMENT, LIME, AND PLASTER—

95. Roman, Portland, and other hydraulic cement, in barrels, sacks, or other packages, eight cents per one hundred pounds, including weight of barrel or package; in bulk, seven cents per one hundred pounds; other cement, twenty per centum ad valorem.

96. Lime, six cents per one hundred pounds, including weight of barrel or package.

Clays or earths.

97. Plaster of Paris, or gypsum, ground, one dollar per ton; calcined, one dollar and seventy-five cents per ton.

CLAYS OR EARTHS.—

98. Clays or earths, unwrought or unmanufactured, not specially provided for in this act, one dollar and fifty cents per ton; wrought or manufactured, not specially provided for in this act, three dollars per ton; china clay, or kaolin, three dollars per ton.

**Earthenware
and china.**

EARTHENWARE AND CHINA—

99. Common brown earthenware, common stoneware, and crucibles, not ornamented or decorated in any manner, twenty-five per centum ad valorem.

100. China, porcelain, parian, bisque, earthen, stone and crockery ware, including plaques, ornaments, toys, charms, vases, and statuettes, painted, tinted, stained, enameled, printed, gilded, or otherwise decorated or ornamented in any manner, sixty per centum ad valorem; if plain white, and not ornamented or decorated in any manner, fifty-five per centum ad valorem.

101. All other china, porcelain, parian, bisque, earthen, stone, and crockery ware, and manufactures of the same, by whatsoever designation or name known in the trade, including lava tips for burners, not specially provided for in this act, if ornamented or decorated in

any manner, sixty per centum ad valorem; if not ornamented or decorated, fifty-five per centum ad valorem.

102. Gas-retorts, three dollars each.

GLASS AND GLASSWARE—

103. Green, and colored, molded or pressed, and flint, and lime glass bottles, holding more than one pint, and demijohns, and carboys (covered or uncovered), and other molded or pressed green and colored and flint or lime bottle glassware, not specially provided for in this act, one cent per pound. Green, and colored, moulded or pressed, and flint, and lime glass bottles, and vials holding not more than one pint and not less than one-quarter of a pint, one and one-half cents per pound; if holding less than one-fourth of a pint, fifty cents per gross.

104. All articles enumerated in the preceding paragraph, if filled, and not otherwise provided for in this act, and the contents are subject to an ad valorem rate of duty, or to a rate of duty based upon the value, the value of such bottles, vials, or other vessels shall be added to the value of the contents for the ascertainment of the dutiable value of the latter; but if filled, and not otherwise provided for in this act, and the contents are not subject to an ad valorem rate of duty, or to rate of duty based on the value, or are free of duty, such bottles, vials, or other vessels shall pay, in addition to the duty, if any, on their contents, the rates of duty prescribed in the preceding paragraph: *Provided*, That no article manufactured from glass described in the preceding paragraph shall pay a less rate of duty than forty per centum ad valorem.

105. Flint and lime, pressed glassware, not cut, engraved, painted, etched, decorated, colored, printed, stained, silvered, or gilded, sixty per centum ad valorem.

106. All articles of glass, cut, engraved, painted, colored, printed, stained, decorated, silvered, or gilded, not including plate glass silvered, or looking-glass plates, sixty per centum ad valorem.

107. Chemical glassware for use in laboratory, and not otherwise specially provided for in this act, forty-five per centum ad valorem.

108. Thin blown glass, blown with or without a mold, including glass chimneys and all other manufactures of glass, or of which glass shall be the component material of chief value, not specially provided for in this act, sixty per centum ad valorem.

109. Heavy blown glass, blown with or without a mold, not cut or decorated, finished or unfinished, sixty per centum ad valorem.

110. Porcelain or opal glassware, sixty per centum ad valorem.

111. All cut, engraved, painted, or otherwise ornamented or decorated glass bottles, decanters, or other vessels of glass shall, if filled, pay duty in addition to any duty chargeable on the contents, as if not filled, unless otherwise specially provided for in this act.

112. Unpolished cylinder, crown, and common window-glass, not exceeding ten by fifteen inches square, one and three-eighths cents per pound; above that, and not exceeding sixteen by twenty-four inches square, one and seven-eighths cents per pound; above that, and not exceeding twenty-four by thirty inches square, two and three-eighths cents per pound; above that, and not exceeding twenty-four by thirty-six inches square, two and seven-eighths cents per pound; all above that, three and one-eighth cents per pound: *Provided*, That unpolished cylinder, crown and common window glass, imported in boxes, shall contain fifty square feet, as nearly as sizes will permit, and the duty shall be computed thereon according to the actual weight of glass.

113. Cylinder and crown-glass, polished, 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

SCHEDULE B.
Earths, earthen-ware, and glass-ware—continued.
Glass and glass-ware.

Minimum.

In boxes.

SCHEDULE B.
Earths, earthen-
ware, and glass-
ware—continued.

inches square, twenty cents per square foot; above that, forty cents per square foot.

114. Fluted, rolled, or rough plate-glass, not including crown, cylinder, or common window-glass, not exceeding ten by fifteen inches square, three-fourths of one cent per square foot; 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 and one-half cents 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: *Provided*, That all of the above plate-glass when ground, smoothed or otherwise obscured shall be subject to the same rate of duty as cast polished plate-glass unsilvered.

Ground glass.

115. Cast polished plate-glass, finished or unfinished and unsilvered, 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.

116. Cast polished plate-glass, silvered, and looking-glass plates, 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.

117. 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 pay in addition thereto upon such frames the rate of duty applicable thereto when imported separate.

118. Cast polished plate-glass, silvered or unsilvered, and cylinder, crown, or common window-glass, when ground, obscured, frosted, sanded, enamled, beveled, etched, embossed, engraved, stained, colored, or otherwise ornamented or decorated, shall be subject to a duty of ten per centum ad valorem in addition to the rates otherwise chargeable thereon.

119. Spectacles and eyeglasses, or spectacles and eyeglass-frames, sixty per centum ad valorem.

120. On lenses costing one dollar and fifty cents per gross pairs, or less, sixty per centum ad valorem.

121. Spectacle and eyeglass lenses with their edges ground or beveled to fit frames, sixty per centum ad valorem.

122. All stained or painted window-glass and stained or painted glass windows, and hand, pocket, or table mirrors not exceeding in size one hundred and forty-four square inches, with or without frames or cases, of whatever material composed, lenses of glass or pebble, wholly or partly manufactured, and not specially provided for in this act, and fusible enamel, forty-five per centum ad valorem.

Marble and **MARBLE AND STONE, AND MANUFACTURES OF—**
stone, &c.

123. Marble of all kinds in block, rough or squared, sixty-five cents per cubic foot.

124. Veined marble, sawed, dressed, or otherwise, including marble slabs and marble paving-tiles, one dollar and ten cents per cubic foot (but in measurement no slab shall be computed at less than one inch in thickness).

125. Manufactures of marble not specially provided for in this act, fifty per centum ad valorem.

STONE—

126. Burr-stones manufactured or bound up into mill-stones, fifteen per centum ad valorem.

127. Freestone, granite, sandstone, limestone, and other building or monumental stone, except marble, unmanufactured or undressed, not specially provided for in this act, eleven cents per cubic foot.

128. Freestone, granite, sandstone, limestone, and other building or monumental stone, except marble, not specially provided for in this act, hewn, dressed, or polished, forty per centum ad valorem.

129. Grindstones, finished or unfinished, one dollar and seventy-five cents per ton.

SLATE—

130. Slates, slate chimney-pieces, mantels, slabs for tables, and all other manufactures of slate, not specially provided for in this act, thirty per centum ad valorem.

131. Roofing slates, twenty-five per centum ad valorem.

SCHEDULE C.—METALS AND MANUFACTURES OF.(4)

IRON AND STEEL.

132. Chromate of iron, or chromic ore, fifteen per centum ad valorem.

133. Iron ore, including manganiferous iron ore, also the dross or residuum from burnt pyrites, seventy-five cents per ton. Sulphur ore, as pyrites, or sulphuret of iron in its natural state, containing not more than three and one-half per centum copper, seventy-five cents per ton: *Provided*, That ore containing more than two per centum of copper shall pay, in addition thereto, one-half of one cent per pound for the copper contained therein: *Provided, also*, That sulphur ore as pyrites or sulphuret of iron in its natural state, containing in excess of twenty-five per centum of sulphur, shall be free of duty, except on the copper contained therein, as above provided: *And provided further*, That in levying and collecting the duty on iron ore no deduction shall be made from the weight of the ore on account of moisture which may be chemically or physically combined therewith.

134. Iron in pigs, iron ketledge, spiegeleisen, ferro-manganese, ferro-silicon, wrought and cast scrap iron, and scrap steel, three-tenths of one cent per pound; but nothing shall be deemed scrap iron or scrap steel except waste or refuse iron or steel fit only to be remanufactured.

135. Bar-iron, rolled or hammered, comprising flats not less than one inch wide, nor less than three-eighths of one inch thick, eight-tenths of one cent per pound; round iron not less than three-fourths of one inch in diameter, and square iron not less than three-fourths of one inch square, nine-tenths of one cent per pound; flats less than one inch wide, or less than three-eighths of one inch thick; round iron less than three-fourths of one inch and not less than seven-sixteenths of one inch in diameter; and square iron less than three-fourths of one inch square, one cent per pound.

136. Round iron, in coils or rods, less than seven-sixteenths of one inch in diameter, and bars or shapes of rolled iron, not specially provided for in this act, one and one-tenth cents per pound: *Provided*, That 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 be subject to a duty of eight-tenths of one cent per pound; and none of the iron above enumerated in this paragraph shall pay a less rate of duty than thirty-five per centum ad valorem: *Provided further*, That all iron bars, blooms, billets, or sizes or shapes of any kind, in the manufacture of which charcoal is used as fuel, shall be subject to a duty of not less than twenty-two dollars per ton.

137. Beams, girders, joists, angles, channels, car-truck channels, T T, columns and posts or parts or sections of columns and posts,

SCHEDULE B.
Earths, earthenware, and glassware—continued.

Slate.

SCHEDULE C.
Metals and manufactures of.
Iron and steel.

Iron ore, &c.

More than two per cent. of copper.

Over twenty-five per centum of sulphur in pyrites.

No allowance for moisture.

Pig-iron, &c.

Bar-iron.

Round iron, &c.

Rating where less finished.

Minimum.

Charcoal iron.

Structural iron.

SCHEDULE C.
Metals and man-
ufactures of—con-
tinued.
Plate-iron, &c.

deck and bulb beams, and building forms, together with all other structural shapes of iron or steel, whether plain or punched, or fitted for use, nine-tenths of one cent per pound.

138. Boiler or other plate iron or steel, except saw-plates hereinafter provided for, not thinner than number ten wire gauge, sheared or unshaired, and skelp iron or steel sheared or rolled in grooves, valued at one cent per pound or less, five-tenths of one cent per pound; valued above one cent and not above one and four-tenths cents per pound, sixty five hundredths of one cent per pound; valued above one and four tenths cents and not above two cents per pound, eight tenths of one cent per pound; valued above two cents and not above three cents per pound, one and one-tenth cents per pound; valued above three cents and not above four cents per pound, one and five-tenths cents per pound; valued above four cents and not above seven cents per pound, two cents per pound; valued above seven cents and not above ten cents per pound, two and eight-tenths cents per pound; valued above ten cents and not above thirteen cents per pound, three and one-half cents per pound; valued above thirteen cents per pound, forty-five per centum ad valorem: *Provided*, That all plate iron or steel thinner than number ten wire gauge shall pay duty as iron or steel sheets.

139. Forgings of iron or steel, or forged iron and steel combined, of whatever shape, or in whatever stage of manufacture, not specially provided for in this act, two and three-tenths cents per pound: *Provided*, That no forgings of iron of steel, or forgings of iron and steel combined, by whatever process made, shall pay a less rate of duty than forty-five per centum ad valorem.

140. Hoop, or band, or scroll, or other iron or steel, valued at three cents per pound or less, eight inches or less in width, and less than three-eighths of one inch thick and not thinner than number ten wire gauge, one cent per pound; thinner than number ten wire gauge and not thinner than number twenty wire gauge, one and one-tenth cents per pound; thinner than number twenty wire gauge, one and three-tenths cents per pound:

Provided, That hoop or band iron, or hoop or band steel, cut to length, or wholly or partially manufactured into hoops or ties for baling purposes, barrel hoops of iron or steel, and hoop or band iron or hoop or band steel flared, splayed or punched, with or without buckles or fastenings, shall pay two-tenths of one cent per pound more duty than that imposed on the hoop or band iron or steel from which they are made.

141. Railway-bars, made of iron or steel, and railway-bars made in part of steel, T-rails, and punched iron or steel flat rails, six-tenths of one cent per pound.

142. Sheets of iron or steel, common or black, including all iron or steel commercially known as common or black taggers iron or steel, and skelp iron or steel, valued at three cents per pound or less: Thinner than number ten and not thinner than number twenty wire gauge, one cent per pound; thinner than number twenty wire gauge, and not thinner than number twenty-five wire gauge, one and one-tenth cents per pound; thinner than number twenty-five wire gauge, one and four-tenths cents per pound; corrugated or crimped, one and four-tenths cents per pound: *Provided*, That all common or black sheet-iron or sheet-steel not thinner than number ten wire gauge shall pay duty as plate iron or plate steel.

143. All iron or steel sheets or plates, and all hoop, band, or scroll iron or steel, excepting what are known commercially as tin plates, terne plates, and taggers tin, and hereinafter provided for, when galvanized or coated with zinc or spelter, or other metals, or any alloy of those metals, shall pay three-fourths of one cent per pound more duty than the rates imposed by the preceding paragraph upon the corresponding gauges, or forms, of common or black sheet or taggers iron or steel; and on and after July first, eighteen hundred

Thinner than No.
 10 wire gauge.
 Forgings.
 Minimum.

Hoop, &c., iron.

Cotton ties, &c.

Railway bars,
 &c.

Sheet-iron, &c.

Not thinner than
 No. 10 wire gauge.

Galvanized, &c.,
 sheets.

and ninety-one, all iron or steel sheets, or plates, or taggers iron coated with tin or lead or with a mixture of which these metals or either of them is a component part, by the dipping or any other process, and commercially known as tin plates, terne plates, and taggers tin, shall pay two and two-tenths cents per pound:

Provided, That on and after July first, eighteen hundred and ninety-one, manufactures of which tin, tin plates, terne plates, taggers tin, or either of them, are component materials of chief value, and all articles, vessels or wares manufactured, stamped or drawn from sheet-iron or sheet-steel, such material being the component of chief value, and coated wholly or in part with tin or lead or a mixture of which these metals or either of them is a component part, shall pay a duty of fifty-five per centum ad valorem:

Provided further, That on and after October first, eighteen hundred and ninety-seven, tin plates and terne plates lighter in weight than sixty-three pounds per hundred square feet shall be admitted free of duty, unless it shall be made to appear to the satisfaction of the President (who shall thereupon by proclamation make known the fact) that the aggregate quantity of such plates lighter than sixty-three pounds per hundred square feet produced in the United States during either of the six years next preceding June thirtieth, eighteen hundred and ninety-seven, has equaled one-third the amount of such plates imported and entered for consumption during any fiscal year after the passage of this act, and prior to said October first, eighteen hundred and ninety-seven:

Provided, That the amount of such plates manufactured into articles exported, and upon which a drawback shall be paid, shall not be included in ascertaining the amount of such importations:

And provided further, That the amount or weight of sheet iron or sheet steel manufactured in the United States and applied or wrought in the manufacture of articles or wares tinned or terne-plated in the United States, with weight allowance as sold to manufacturers or others, shall be considered as tin and terne plates produced in the United States within the meaning of this act.

144. Sheet-iron or sheet-steel, polished, planished, or glanced, by whatever name designated, two and one-half cents per pound: *Provided*, That plate or sheet or taggers iron or steel, by whatever name designated, other than the polished, planished, or glanced herein provided for, which has been pickled or cleaned by acid, or by any other material or process, or which is cold-rolled, smoothed only, not polished, shall pay one-quarter of one cent per pound more duty than the corresponding gauges of common or black sheet or taggers iron or steel.

145. Sheets or plates of iron or steel, or taggers iron or steel, coated with tin or lead, or with a mixture of which these metals, or either of them, is a component part, by the dipping or any other process, and commercially known as tin plates, terne plates, and taggers tin one cent per pound until July first, eighteen hundred and ninety-one.

146. Steel ingots, cogged ingots, blooms, and slabs, by whatever process made; die blocks or blanks; billets and bars and tapered or beveled bars; steamer, crank, and other shafts; shafting; wrist or crank pins; connecting-rods and piston-rods; pressed, sheared, or stamped shapes; saw-plates, wholly or partially manufactured; hammer-molds or swaged-steel; gun-barrel molds not in bars; alloys used as substitutes for steel tools; all descriptions and shapes of dry sand, loam, or iron-molded steel castings; sheets and plates not specially provided for in this act; and steel in all forms and shapes not specially provided for in this act; all of the above valued at one cent per pound or less, four-tenths of one cent per pound; valued above one cent and not above one and four-tenths cents per pound, five-tenths of one cent per pound; valued above one and four-tenths

SCHEDULE C.
Metals and manufactures of—continued.

Manufactures of tin, &c., after July 1, 1891.

Tin-plates, &c., to be free after Oct. 1, 1897, unless domestic manufacture established.
Quantity.

Drawbacks not included.

Weight of entire material included.

Polished, &c.

Pickled, &c.

Tin plates, &c., until July 1, 1891.

Steel ingots, &c.

SCHEDULE C.
Metals and man-
ufactures of—con-
tinued.

cents and not above one and eight-tenths cents per pound, eight-tenths of one cent per pound; valued above one and eight-tenths cents and not above two and two-tenths cents per pound, nine-tenths of one cent per pound; valued above two and two-tenths cents, and not above three cents per pound, one and two-tenths cents per pound; valued above three cents and not above four cents per pound, one and six-tenths cents per pound; valued above four cents and not above seven cents per pound, two cents per pound; valued above seven cents and not above ten cents per pound, two and eight-tenths cents per pound; valued above ten cents and not above thirteen cents per pound, three and one-half cents per pound; valued above thirteen cents and not above sixteen cents per pound, four and two-tenths cents per pound; valued above sixteen cents per pound, seven cents per pound.

Wire
Rods.

WIRE—

147. Wire rods: Rivet, screw, fence, and other iron or steel wire rods, and nail rods, whether round, oval, flat, square, or in any other shape, in coils, or otherwise, not smaller than number six wire gauge, valued at three and half cents or less per pound, six-tenths of one cent per pound, and iron or steel, flat, with longitudinal ribs for the manufacture of fencing, valued at three cents or less per pound, six-tenths of one cent per pound:

Less than No. 6
wire gauge.

Provided, That all iron or steel rods, whether rolled or drawn through dies, smaller than number six wire gauge, shall be classed and dutiable as wire.

Classification of
wire.

148. Wire: Wire made of iron or steel, not smaller than number ten wire gauge, one and one-fourth cents per pound; smaller than number ten, and not smaller than number sixteen wire gauge, one and three-fourths cents per pound; smaller than number sixteen and not smaller than number twenty-six wire gauge, two and one-fourth cents per pound; smaller than number twenty-six wire gauge, three cents per pound:

Covered.

Provided, That iron or steel wire covered with cotton, silk, or other material, and wires or strip steel, commonly known as crinoline wire, corset-wire, and hat-wire, shall pay a duty of five cents per pound:

Flat.

And provided further, That flat steel wire, or sheet steel in strips, whether drawn through dies or rolls, untempered or tempered, of whatsoever width, twenty-five one thousandths of an inch thick or thinner (ready for use or otherwise), shall pay a duty of fifty per centum ad valorem:

Minimum.

And provided further, That no article made from iron or steel wire, or of which iron or steel wire is a component part of chief value, shall pay a less rate of duty than the iron or steel wire from which it is made either wholly or in part:

Cloths, &c.

And provided further, That iron or steel wire cloths, and iron or steel wire nettings made in meshes of any form, shall pay a duty equal in amount to that imposed on iron or steel wire used in the manufacture of iron or steel wire cloth, or iron or steel wire nettings, and two cents per pound in addition thereto.

Additional
rates.

There shall be paid on iron or steel wire coated with zinc or tin, or any other metal (except fence-wire and iron or steel, flat, with longitudinal ribs, for the manufacture of fencing), one-half of one cent per pound in addition to the rate imposed on the wire of which it is made; on iron wire rope and wire strand, one cent per pound in addition to the rate imposed on the wire of which it is made; on steel wire rope and wire strand, two cents per pound in addition to the rate imposed on the wire of which they or either of them are made:

Minimum.

Provided further, That all iron or steel wire valued at more than four cents per pound shall pay a duty of not less than forty-five per centum ad valorem, except that card-wire for the manufacture of card clothing shall pay a duty of thirty-five per centum ad valorem

Card-wire.

GENERAL PROVISIONS.

149. No allowance or reduction of duties for partial loss or damage in consequence of rust or of discoloration shall be made upon any description of iron or steel, or upon any article wholly or partly manufactured of iron or steel, or upon any manufacture of iron and steel.

150. All metal produced from iron or its ores, which is cast and malleable, of whatever description or form, without regard to the percentage of carbon contained therein, whether produced by cementation, or converted, cast, or made from iron or its ores, by the crucible, Bessemer, Clapp-Griffiths, pneumatic, Thomas-Gilchrist, basic, Siemens-Martin, or open-hearth process, or by the equivalent of either, or by a combination of two or more of the processes, or their equivalents, or by any fusion or other process which produces from iron or its ores a metal either granular or fibrous in structure, which is cast and malleable, excepting what is known as malleable-iron castings, shall be classed and denominated as steel.

151. No article not specially provided for in this act, wholly or partly manufactured from tin plate, terne plate, or the sheet, plate, hoop, band, or scroll iron or steel herein provided for, or of which such tin plate, terne plate, sheet, plate, hoop, band, or scroll iron or steel shall be the material of chief value, shall pay a lower rate of duty than that imposed on the tin plate, terne plate, or sheet, plate, hoop, band, or scroll iron or steel from which it is made, or of which it shall be the component thereof of chief value.

152. On all iron or steel bars or rods of whatever shape or section, which are cold rolled, cold hammered, or polished in any way in addition to the ordinary process of hot rolling or hammering, there shall be paid one-fourth of one cent per pound in addition to the rates provided in this act; and on all strips, plates, or sheets of iron or steel of whatever shape, other than the polished, planished, or glanced sheet-iron or sheet-steel hereinbefore provided for, which are cold rolled, cold hammered, blued, brightened, tempered, or polished by any process to such perfected surface finish, or polish better than the grade of cold rolled, smooth only, hereinbefore provided for, there shall be paid one and one-fourth cents per pound in addition to the rates provided in this act upon plates, strips, or sheets of iron or steel of common or black finish; and on steel circular saw plates there shall be paid one cent per pound in addition to the rate provided in this act for steel saw plates.

MANUFACTURES OF IRON AND STEEL.

153. Anchors, or parts thereof, of iron or steel, mill-irons and mill-cranks of wrought-iron, and wrought-iron for ships, and forgings of iron or steel, or of combined iron and steel, for vessels, steam-engines, and locomotives, or parts thereof, weighing each twenty-five pounds or more, one and eight-tenths cents per pound.

154. Axles, or parts thereof, axle-bars, axle-blanks, or forgings for axles, whether of iron or steel, without reference to the stage or state of manufacture, two cents per pound: *Provided*, That when iron or steel axles are imported fitted in wheels, or parts of wheels, of iron or steel, they shall be dutiable at the same rate as the wheels in which they are fitted.

155. Anvils of iron or steel, or of iron and steel combined, by whatever process made, or in whatever stage of manufacture, two and one-half cents per pound.

156. Blacksmiths' hammers and sledges, track tools, wedges, and crowbars, whether of iron or steel, two and one-fourth cents per pound.

157. Boiler or other tubes, pipes, flues, or stays of wrought-iron or steel, two and one-half cents per pound.

158. Bolts, with or without threads or nuts, or bolt-blanks, and

SCHEDULE C.

Metals and manufactures of—continued.
No allowances for rust.

Definition of steel.

Articles of tin, &c.

Additional rate for cold rolled bars, &c.

SCHEDULE C.
Metals and man-
ufactures of—con-
tinued.

finished hinges or hinge-blanks, whether of iron or steel, two and one-fourth cents per pound.

159. Card-clothing, manufactured from tempered steel wire, fifty cents per square foot; all other, twenty-five cents per square foot.

160. Cast-iron pipe of every description, nine-tenths of one cent per pound.

161. Cast-iron vessels, plates, stove-plates, andirons, sad-irons, tailors' irons, hatters' irons, and castings of iron, not specially provided for in this act, one and two-tenths cents per pound.

162. Castings of malleable iron not specially provided for in this act, one and three-fourths cents per pound.

163. Cast hollow-ware, coated, glazed, or tinned, three cents per pound.

164. Chain or chains of all kinds, made of iron or steel, not less than three-fourths of one inch in diameter, one and six-tenths cents per pound; less than three-fourths of one inch and not less than three-eighths of one inch in diameter, one and eight-tenths cents per pound; less than three-eighths of one inch in diameter, two and one-half cents per pound, but no chain or chains of any description shall pay a lower rate of duty than forty-five per centum ad valorem.

CUTLERY—

165. Pen-knives or pocket-knives of all kinds, or parts thereof, and erasers, or parts thereof, wholly or partly manufactured, valued at not more than fifty cents per dozen, twelve cents per dozen; valued at more than fifty cents per dozen and not exceeding one dollar and fifty cents per dozen, fifty cents per dozen; valued at more than one dollar and fifty cents per dozen and not exceeding three dollars per dozen, one dollar per dozen; valued at more than three dollars per dozen, two dollars per dozen; and in addition thereto on all the above, fifty per centum ad valorem. Razors and razor blades, finished or unfinished, valued at less than four dollars per dozen, one dollar per dozen; valued at four dollars or more per dozen, one dollar and seventy-five cents per dozen; and in addition thereto on all the above razors and razor-blades, thirty per centum ad valorem.

166. Swords, sword-blades, and side-arms, thirty-five per centum ad valorem.

167. Table-knives, forks, steels, and all butchers', hunting, kitchen, bread, butter, vegetable, fruit, cheese, plumbers', painters', palette, and artists' knives of all sizes, finished or unfinished, valued at not more than one dollar per dozen pieces, ten cents per dozen; valued at more than one dollar and not more than two dollars, thirty-five cents per dozen; valued at more than two dollars and not more than three dollars, forty cents per dozen; valued at more than three dollars and not more than eight dollars, one dollar per dozen; valued at more than eight dollars, two dollars per dozen; and in addition upon all the above-named articles, thirty per centum ad valorem. All carving and cooks' knives and forks of all sizes, finished or unfinished, valued at not more than four dollars per dozen pieces, one dollar per dozen; valued at more than four dollars and not more than eight dollars, two dollars per dozen pieces; valued at more than eight dollars and not more than twelve dollars, three dollars per dozen pieces; valued at more than twelve dollars, five dollars per dozen pieces; and in addition upon all the above-named articles, thirty per centum ad valorem.

168. Files, file-blanks, rasps, and floats, of all cuts and kinds, four inches in length and under, thirty-five cents per dozen; over four inches in length and under nine inches, seventy-five cents per dozen; nine inches in length and under fourteen inches, one dollar and thirty cents per dozen; fourteen inches in length and over, two dollars per dozen.

Cutlery.

FIRE-ARMS—

169. Muskets and sporting rifles, twenty-five per centum ad valorem.

170. All double-barrelled, sporting, breech loading shot-guns valued at not more than six dollars each, one dollar and fifty cents each; valued at more than six dollars and not more than twelve dollars each, four dollars each; valued at more than twelve dollars each, six dollars each; and in addition thereto on all the above, thirty-five per centum ad valorem. Single-barrel breech-loading shot-guns, one dollar each and thirty-five per centum ad valorem. Revolving pistols valued at not more than one dollar and fifty cents each, forty cents each; valued at more than one dollar and fifty cents, one dollar each; and in addition thereto on all the above pistols, thirty-five per centum ad valorem.

171. Iron or steel sheets, plates, wares, or articles, enameled or glazed with vitreous glasses, forty-five per centum ad valorem.

172. Iron or steel sheets, plates, wares, or articles, enameled or glazed as above with more than one color, or ornamented, fifty per centum ad valorem.

NAILS, SPIKES, TACKS, AND NEEDLES.

173. Cut nails and cut spikes of iron or steel, one cent per pound.

174. Horseshoe nails, hob nails, and all other wrought iron or steel nails not specially provided for in this act, four cents per pound.

175. Wire nails made of wrought iron or steel, two inches long and longer, not lighter than number twelve wire gauge, two cents per pound; from one inch to two inches in length, and lighter than number twelve and not lighter than number sixteen wire gauge, two and one-half cents per pound; shorter than one inch and lighter than number sixteen wire gauge, four cents per pound.

176. Spikes, nuts, and washers, and horse, mule, or ox shoes, of wrought iron or steel, one and eight-tenths cents per pound.

177. Cut tacks, brads, or sprigs, not exceeding sixteen ounces to the thousand, two and one-fourth cents per thousand; exceeding sixteen ounces to the thousand, two and three-fourths cents per pound.

178. Needles for knitting or sewing machines, crochet-needles and tape-needles and bodkins of metal, thirty-five per centum ad valorem.

179. Needles, knitting, and all others not specially provided for in this act, twenty-five per centum ad valorem.

PLATES—

180. Steel plates engraved, stereotype plates, electro-type plates, and plates of other materials, engraved or lithographed, for printing, twenty-five per centum ad valorem.

181. Railway fish-plates or splice-bars, made of iron or steel, one cent per pound.

182. Rivets of iron or steel, two and one-half cents per pound.

183. SAWS: Cross-cut saws, eight cents per linear foot; mill, pit, and drag-saws, not over nine inches wide, ten cents per linear foot; over nine inches wide, fifteen cents per linear foot; circular saws, thirty per centum ad valorem; hand, back, and all other saws, not specially provided for in this act, forty per centum ad valorem.

184. Screws, commonly called wood-screws, more than two inches in length, five cents per pound; over one inch and not more than two inches in length, seven cents per pound; over one-half inch and not more than one inch in length, ten cents per pound; one-half inch and less in length, fourteen cents per pound.

185. Wheels, or parts thereof, made of iron or steel, and steel-tired wheels for railway purposes, whether wholly or partly finished, and iron or steel locomotive, car, or other railway tires or parts thereof, wholly or partly manufactured, two and one-half cents per pound;

SCHEDULE C.
Metals and man-
ufactures of—con-
tinued.

Fire-arms.
45 Fed. Rep., 349.

Nails, spikes,
tacks, and needles.

Plates.

Saws.

Screws.

Wheels.

SCHEDULE C.
Metals and man-
ufactures of—con-
tinued.

Wheels fitted to
 axles.

Miscellaneous
metals, &c.

and ingots, cogged ingots, blooms, or blanks for the same, without regard to the degree of manufacture, one and three-fourths cents per pound:

Provided, That when wheels or parts thereof, of iron or steel, are imported with iron or steel axles fitted in them, the wheels and axles together shall be dutiable at the same rate as is provided for the wheels when imported separately.

MISCELLANEOUS METALS AND MANUFACTURES OF.

186. Aluminium or aluminum, in crude form, alloys of any kind in which aluminum is the component material of chief value, fifteen cents per pound.

187. Antimony, as regulus or metal, three-fourths of one cent per pound.

188. Argentine, albata, or German silver, unmanufactured, twenty-five per centum ad valorem.

189. Brass, in bars or pigs, old brass, clippings from brass or Dutch-metal, and old sheathing, or yellow metal, fit only for re-manufacture, one and one-half cents per pound.

190. Bronze powder, twelve cents per pound; bronze or Dutch-metal, or aluminum, in leaf, eight cents per package of one hundred leaves.

Copper.

COPPER—

191. Copper imported in the form of ores, one-half of one cent per pound on each pound of fine copper contained therein.

192. Old copper, fit only for remanufacture, clippings from new copper, and all composition metal of which copper is a component material of chief value, not specially provided for in this act, one cent per pound.

193. Regulus of copper and black or coarse copper, and copper cement, one cent per pound on each pound of fine copper contained therein.

194. Copper in plates, bars, ingots, Chili or other pigs, and in other forms, not manufactured, not specially provided for in this act, one and one-fourth cents per pound.

195. Copper in rolled plates, called blaziers' copper, sheets, rods, pipes, and copper bottoms, also sheathing or yellow metal of which copper is the component material of chief value, and not composed wholly or in part of iron ungalvanized, thirty-five per centum ad valorem.

Gold and silver.

GOLD AND SILVER.—

196. Bullions and metal thread of gold, silver, or other metals, not specially provided for in this act, thirty per centum ad valorem.

197. Gold-leaf, two dollars per package of five hundred leaves.

198. Silver-leaf, seventy-five cents per package of five hundred leaves.

Lead.

LEAD.—

199. Lead ore and lead dross, one and one-half cents per pound: *Provided*, That silver ore and all other ores containing lead shall pay a duty of one and one-half cents per pound on the lead contained therein, according to sample and assay at the port of entry.

200. Lead in pigs and bars, molten and old refuse lead run into blocks and bars, and old scrap-lead fit only to be remanufactured, two cents per pound.

201. Lead in sheets, pipes, shot, glaziers' lead, and lead wire, two and one-half cents per pound.

202. Metallic mineral substances in a crude state and metals unwrought, not specially provided for in this act, twenty per centum ad valorem; mica, thirty-five per centum ad valorem.

Nickel.

NICKEL.—

203. Nickel, nickel oxide, alloy of any kind in which nickel is the component material of chief value, ten cents per pound.

204. Pens, metallic, except gold pens, twelve cents per gross.

205. Pen-holder tips, pen-holders or parts thereof, and gold pens, thirty per centum ad valorem.

206. Pins, metallic, solid-head or other, including hair-pins, safety-pins, and hat, bonnet, shawl, and belt pins, thirty per centum ad valorem.

207. Quicksilver, ten cents per pound. The flasks, bottles, or other vessels in which quicksilver is imported shall be subject to the same rate of duty as they would be subjected to if imported empty.

208. Type-metal, one and one-half cents per pound for the lead contained therein; new types, twenty-five per centum ad valorem.

209. Tin: On and after July first, eighteen hundred and ninety-three, there shall be imposed and paid upon cassiterite or black oxide of tin, and upon bar, block, and pig tin, a duty of four cents per pound:

Provided, That unless it shall be made to appear to the satisfaction of the President of the United States (who shall make known the fact by proclamation) that the product of the mines of the United States shall have exceeded five thousand tons of cassiterite, and bar, block, and pig tin in any one year prior to July first, eighteen hundred and ninety-five, then all imported cassiterite, bar, block, and pig tin shall after July first, eighteen hundred and ninety-five, be admitted free of duty.

WATCHES.—

210. Chronometers, box or ship's, and parts thereof, ten per centum ad valorem.

211. Watches, parts of watches, watch-cases, watch movements, and watch-glasses, whether separately packed or otherwise, twenty-five per centum ad valorem.

ZINC OR SPELTER.—

212. Zinc in blocks or pigs, one and three-fourths cents per pound.

213. Zinc in sheets, two and one-half cents per pound.

214. Zinc, old and worn out, fit only to be remanufactured, one and one-fourth cents per pound.

215. Manufactures, articles, or wares, not specially enumerated or provided for in this act, composed wholly or in part of iron, steel, lead, copper, nickel, pewter, zinc, gold, silver, platinum, aluminum, or any other metal, and whether partly or wholly manufactured, forty-five per centum ad valorem.

SCHEDULE D.—WOOD AND MANUFACTURES OF.

216. Timber, hewn and sawed, and timber used for spars and in building wharves, ten per centum ad valorem.

217. Timber, squared or sided, not specially provided for in this act, one-half of one cent per cubic foot.

218. Sawed boards, plank, deals, and other lumber of hemlock, white wood, sycamore, white pine and basswood, one dollar per thousand feet board measure; sawed lumber, not specially provided for in this act, 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 board measure; and if planed on one side and tongued and grooved, one dollar per thousand feet board measure; and if planed on two sides, and tongued and grooved, one dollar and fifty cents per thousand feet board measure; and in estimating board measure under this schedule no deduction shall be made on board measure on account of planing, tonguing and grooving:

Provided, That in case any foreign country shall impose an export duty upon pine, spruce, elm, or other logs, or upon stave bolts, shingle wood, or heading blocks exported to the United States from

SCHEDULE C.
Metals and manufactures of—continued.

Quicksilver.

Type-metal.

Tin.

To take effect July 1, 1893.

Par. 736, *post*, p. 855.

Tin to be free unless domestic production exceeds 5,000 tons a year, before July 1, 1895.

Watches.

Zinc or spelter.

45 Fed. Rep., 349.

SCHEDULE D.
Wood, and manufactures of.

Countries imposing export duty, existing rate to remain.

SCHEDULE D.
Wood and man-
ufactures of—con-
tinued.

such country, then the duty upon the sawed lumber herein provided for, when imported from such country, shall remain the same as fixed by the law in force prior to the passage of this act.

219. Cedar: That on and after March first, eighteen hundred and ninety-one, paving posts, railroad ties, and telephone and telegraph poles of cedar, shall be dutiable at twenty per centum ad valorem.

220. Sawed boards, plank, deals, and all forms of sawed cedar, lignum-vitiae, lancewood, ebony, box, granadilla, mahogany, rosewood, satinwood, and all other cabinet-woods not further manufactured than sawed, fifteen per centum ad valorem; veneers of wood, and wood, unmanufactured, not specially provided for in this act, twenty per centum ad valorem.

221. Pine clapboards, one dollar per one thousand.

222. Spruce clapboards, one dollar and fifty cents per one thousand.

223. 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.

224. Laths, fifteen cents per one thousand pieces.

225. Pickets and palings, ten per centum ad valorem.

226. White pine shingles, twenty cents per one thousand; all other, thirty cents per one thousand.

227. Staves of wood of all kinds, ten per centum ad valorem.

228. Casks and barrels (empty), sugar-box shooks, and packing-boxes and packing-box shooks, of wood, not specially provided for in this act, thirty per centum ad valorem.

229. Chair cane, or reeds wrought or manufactured from rattans or reeds, and whether round, square, or in any other shape, ten per centum ad valorem.

230. House or cabinet furniture, of wood, wholly or partly finished, manufactures of wood, or of which wood is the component material of chief value, not specially provided for in this act, thirty-five per centum ad valorem.

SCHEDULE E.
Sugar.

SCHEDULE E.—SUGAR.

Bounty upon
sugar production.
R. S., § 3630.

231. That on and after July first, eighteen hundred and ninety-one, and until July first, nineteen hundred and five, there shall be paid, from any moneys in the Treasury not otherwise appropriated, under the provisions of section three thousand six hundred and eighty-nine of the Revised Statutes, to the producer of sugar testing not less than ninety degrees by the polariscope, from beets, sorghum, or sugar-cane grown within the United States, or from maple sap produced within the United States, a bounty of two cents per pound; and upon such sugar testing less than ninety degrees by the polariscope, and not less than eighty degrees, a bounty of one and three-fourth cents per pound, under such rules and regulations as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe.

Application for
license, and bond.

232. The producer of said sugar to be entitled to said bounty shall have first filed prior to July first of each year with the Commissioner of Internal Revenue a notice of the place of production, with a general description of the machinery and methods to be employed by him, with an estimate of the amount of sugar proposed to be produced in the current or next ensuing year, including the number of maple trees to be tapped, and an application for a license to so produce, to be accompanied by a bond in a penalty, and with sureties to be approved by the Commissioner of Internal Revenue, conditioned that he will faithfully observe all rules and regulations that shall be prescribed for such manufacture and production of sugar.

License to pro-
duce sugar, from
sorghum, beets,
&c.

233. The Commissioner of Internal Revenue, upon receiving the application and bond hereinbefore provided for, shall issue to the applicant a license to produce sugar from sorghum, beets, or sugar-

cane grown within the United States, or from maple sap produced within the United States at the price and with the machinery and by the methods described in the application; but said license shall not extend beyond one year from the date thereof.

234. No bounty shall be paid to any person engaged in refining sugars which have been imported into the United States, or produced in the United States upon which the bounty herein provided for has already been paid or applied for, nor to any person unless he shall have first been licensed as herein provided, and only upon sugar produced by such persons from sorghum, beets, or sugar-cane grown within the United States, or from maple sap produced within the United States.

The Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall from time to time make all needful rules and regulations for the manufacture of sugar from sorghum, beets, or sugar cane grown within the United States, or from maple sap produced within the United States, and shall, under the direction of the Secretary of the Treasury, exercise supervision and inspection of the manufacture thereof.

235. And for the payment of these bounties the Secretary of the Treasury is authorized to draw warrants on the Treasurer of the United States for such sums as shall be necessary, which sums shall be certified to him by the Commissioner of Internal Revenue, by whom the bounties shall be disbursed, and no bounty shall be allowed or paid to any person licensed as aforesaid in any one year upon any quantity of sugar less than five hundred pounds.

236. That any person who shall knowingly refine or aid in the refining of sugar imported into the United States or upon which the bounty herein provided for has already been paid or applied for, at the place described in the license issued by the Commissioner of Internal Revenue, and any person not entitled to the bounty herein provided for, who shall apply for or receive the same, shall be guilty of a misdemeanor, and, upon conviction thereof, shall pay a fine not exceeding five thousand dollars, or be imprisoned for a period not exceeding five years, or both, in the discretion of the court.

237. All sugars above number sixteen Dutch standard in color shall pay a duty of five-tenths of one cent per pound: *Provided*, That all such sugars above number sixteen Dutch standard in color shall pay one-tenth of one cent per pound in addition to the rate herein provided for, when exported from, or the product of any country when and so long as such country pays or shall hereafter pay, directly or indirectly, a bounty on the exportation of any sugar that may be included in this grade which is greater than is paid on raw sugars of a lower saccharine strength; and the Secretary of the Treasury shall prescribe suitable rules and regulations to carry this provision into effect:

And provided further, That all machinery purchased abroad and erected in a beet-sugar factory and used in the production of raw sugar in the United States from beets produced therein shall be admitted duty free until the first day of July, eighteen hundred and ninety-two:

Provided, That any duty collected on any of the above-described machinery purchased abroad and imported into the United States for the uses above indicated since January first, eighteen hundred and ninety, shall be refunded.

238. Sugar candy and all confectionery, including chocolate confectionery, made wholly or in part of sugar, valued at twelve cents or less per pound, and on sugars after being refined, when tintured, colored, or in any way adulterated, five cents per pound.

239. All other confectionery, including chocolate confectionery, not specifically provided for in this act, fifty per centum ad valorem.

240. Glucose, or grape sugar, three-fourths of one cent per pound.

SCHEDULE E.
Sugar—continued.
Time limit.

Bounty only to licensed producer, &c.

Regulations.

Inspection, &c.

Payment of bounties.

Penalty for illegally applying for, &c., bounty, &c.

Import duties.
Par. 726, post, p. 855, and § 3, p. 857.
Additional rate from countries paying certain bounty on exportation.

Beet-sugar machinery free until July 1, 1892.

Refund of duties on machinery.

SCHEDULE E.
Sugar—continued.
Provisions to take effect April 1, 1891.

Refining, etc., in bond.

241. That the provisions of this act providing terms for the admission of imported sugars and molasses and for the payment of a bounty on sugars of domestic production shall take effect on the first day of April, eighteen hundred and ninety-one: *Provided*, That on and after the first day of March, eighteen hundred and ninety-one, and prior to the first day of April, eighteen hundred and ninety-one, sugars not exceeding number sixteen Dutch standard in color may be refined in bond without payment of duty, and such refined sugars may be transported in bond and stored in bonded warehouse at such points of destination as are provided in existing laws relating to the immediate transportation of dutiable goods in bond, under such rules and regulations as shall be prescribed by the Secretary of the Treasury.

SCHEDULE F.
Tobacco and manufactures of.
A portion suitable for wrappers, the entire bale, etc., dutiable as.

SCHEDULE F.—TOBACCO AND MANUFACTURES OF.

242. Leaf tobacco suitable for cigar-wrappers, if not stemmed, two dollars per pound; if stemmed, two dollars and seventy-five cents per pound: *Provided*, That if any portion of any tobacco imported in any bale, box, or package, or in bulk shall be suitable for cigar-wrappers, the entire quantity of tobacco contained in such bale, box, or package, or bulk shall be dutiable; if not stemmed, at two dollars per pound; if stemmed, at two dollars and seventy-five cents per pound.

243. All other tobacco in leaf, unmanufactured and not stemmed, thirty-five cents per pound; if stemmed fifty cents per pound.

244. Tobacco, manufactured, of all descriptions, not specially enumerated or provided for in this act, forty cents per pound.

245. Snuff and snuff flour, manufactured of tobacco, ground dry, or damp, and pickled, scented, or otherwise, of all descriptions, fifty cents per pound.

246. Cigars, cigarettes, and cheroots of all kinds, four dollars and fifty cents per pound and twenty-five per centum ad valorem; and paper cigars and cigarettes, including wrappers, shall be subject to the same duties as are herein imposed upon cigars.

SCHEDULE G.
Agricultural products and provisions.
Live animals.
Horses, ad valorem.

SCHEDULE G.—AGRICULTURAL PRODUCTS AND PROVISIONS.

ANIMALS, LIVE—

247. Horses and mules, thirty dollars per head: *Provided*, That horses valued at one hundred and fifty dollars and over shall pay a duty of thirty per centum ad valorem.

248. Cattle, more than one year old, ten dollars per head; one year old or less, two dollars per head.

249. Hogs, one dollar and fifty cents per head.

250. Sheep, one year old or more, one dollar and fifty cents per head; less than one year old, seventy five cents per head.

251. All other live animals, not specially provided for in this act, twenty per centum ad valorem.

Breadstuffs and farinaceous substances.
1883, Jan. 9, ch. 17, ante, p. 391.

BREADSTUFFS AND FARINACEOUS SUBSTANCES—

252. Barley, thirty cents per bushel of forty-eight pounds.

253. Barley-malt, forty-five cents per bushel of thirty-four pounds.

254. Barley, pearled, patent, or hulled, two cents per pound.

255. Buckwheat, fifteen cents per bushel of forty-eight pounds.

256. Corn or maize, fifteen cents per bushel of fifty-six pounds.

257. Corn-meal, twenty cents per bushel of forty-eight pounds.

258. Macaroni, vermicelli, and all similar preparations, two cents per pound.

259. Oats, fifteen cents per bushel.

260. Oatmeal, one cent per pound.

261. Rice, cleaned, two cents per pound; uncleaned rice, one and one-quarter cents per pound; paddy, three-quarters of one cent per

pound; rice-flour, rice-meal, and rice, broken, which will pass through a sieve known commercially as number twelve wire sieve, one-fourth of one cent per pound.

262. Rye, ten cents per bushel.

263. Rye-flour, one-half of one cent per pound.

264. Wheat, twenty-five cents per bushel.

265. Wheat-flour, twenty-five per centum ad valorem.

DAIRY PRODUCTS—

266. Butter, and substitutes therefor, six cents per pound.

267. Cheese, six cents per pound.

268. Milk, fresh, five cents per gallon.

269. Milk, preserved or condensed, including weight of packages, three cents per pound; sugar of milk, eight cents per pound.

FARM AND FIELD PRODUCTS—

270. Beans, forty cents per bushel of sixty pounds.

271. Beans, pease, and mushrooms, prepared or preserved, in tins, jars, bottles, or otherwise, forty per centum ad valorem.

272. Broom-corn, eight dollars per ton.

273. Cabbages, three cents each.

274. Cider, five cents per gallon.

275. Eggs, five cents per dozen.

276. Eggs, yolk of, twenty-five per centum ad valorem.

277. Hay, four dollars per ton.

278. Honey, twenty cents per gallon.

279. Hops, fifteen cents per pound.

280. Onions, forty cents per bushel.

281. Pease, green, in bulk or in barrels, sacks, or similar packages, forty cents per bushel of sixty pounds; pease, dried, twenty cents per bushel; split pease, fifty cents per bushel of sixty pounds; pease in cartons, papers, or other small packages, one cent per pound.

282. Plants, trees, shrubs, and vines of all kinds, commonly known as nursery stock, not specially provided for in this act, twenty per centum ad valorem.

283. Potatoes, twenty-five cents per bushel of sixty pounds.

SEEDS—

284. Castor beans or seeds, fifty cents per bushel of fifty pounds.

285. Flaxseed or linseed, poppy seed and other oil seeds, not specially provided for in this act, thirty cents per bushel of fifty-six pounds; but no drawback shall be allowed on oil-cake made from imported seed.

286. Garden-seeds, agricultural seeds, and other seeds, not specially provided for in this act, twenty per centum ad valorem.

287. Vegetables of all kinds, prepared or preserved, including pickles and sauces of all kinds, not specially provided for in this act, forty-five per centum ad valorem.

288. Vegetables in their natural state, not specially provided for in this act, twenty-five per centum ad valorem.

289. Straw, thirty per centum ad valorem.

290. Teazles, thirty per centum ad valorem.

FISH—

291. Anchovies and sardines, packed in oil or otherwise, in tin boxes measuring not more than five inches long, four inches wide and three and one-half inches deep, ten cents per whole box; in half-boxes, measuring not more than five inches long, four inches wide, and one and five-eighths inches deep, five cents each; in quarter-boxes, measuring not more than four and three-fourths inches long, three and one-half inches wide, and one and one-fourth inches deep, two and one-half cents each; when imported in any other form, forty per centum ad valorem.

292. Fish, pickled, in barrels or half barrels, and mackerel or salmon, pickled or salted, one cent per pound.

SCHEDULE G.
Agricultural products and provisions—continued.

Dairy products.
1886, Aug. 2, ch. 840, § 10, ante, p. 507.

Farm and field products.

Seeds.

Fish.

SCHEDULE G.

Agricultural products and provisions—continued.

293. Fish, smoked, dried, salted, pickled, frozen, packed in ice, or otherwise prepared for preservation, and fresh fish, not specially provided for in this act, three-fourths of one cent per pound.

294. Herrings, pickled or salted, one-half of one cent per pound; herrings, fresh, one-fourth of one cent per pound.

295. Fish in cans or packages made of tin or other material; except anchovies and sardines and fish packed in any other manner, not specially enumerated or provided for in this act, thirty per centum ad valorem.

Cans, &c.

296. Cans or packages, made of tin or other metal, containing shell fish admitted free of duty, not exceeding one quart in contents, shall be subject to a duty of eight cents per dozen cans or packages; and when exceeding one quart, shall be subject to an additional duty of four cents per dozen for each additional half quart or fractional part thereof: *Provided*, That until June thirtieth, eighteen hundred and ninety-one, such cans or packages shall be admitted as now provided by law.

Proviso.
Existing rate till
June 30, 1891.

Fruits and nuts.**FRUITS AND NUTS—****Fruits:**

297. Apples, green or ripe, twenty-five cents per bushel.

298. Apples, dried, dessiccated, evaporated, or prepared in any manner, and not otherwise provided for in this act, two cents per pound.

299. Grapes, sixty cents per barrel of three cubic feet capacity or fractional part thereof; plums, and prunes, two cents per pound.

300. Figs, two and one-half cents per pound.

301. Oranges, lemons, and limes, in packages of capacity of one and one-fourth cubic feet or less, thirteen cents per package; in packages of capacity exceeding one and one-fourth cubic feet and not exceeding two and one-half cubic feet, twenty-five cents per package; in packages of capacity exceeding two and one-half cubic feet and not exceeding five cubic feet, fifty cents per package; in packages of capacity exceeding five cubic feet, for every additional cubic foot or fractional part thereof, ten cents; in bulk, one dollar and fifty cents per one thousand; and in addition thereto a duty of thirty per centum ad valorem upon the boxes or barrels containing such oranges, lemons, or limes.

302. Raisins, two and one-half cents per pound.

303. Comfits, sweetmeats, and fruits preserved in sugar, sirup, molasses, or spirits not specially provided for in this act, and jellies of all kinds, thirty-five per centum ad valorem.

304. Fruits preserved in their own juices, thirty per centum ad valorem.

305. Orange-peel and lemon-peel, preserved or candied, two cents per pound.

NUTS.—

306. Almonds, not shelled, five cents per pound; clear almonds, shelled, seven and one-half cents per pound.

307. Filberts and walnuts of all kinds, not shelled, three cents per pound; shelled, six cents per pound.

308. Peanuts or ground beans, unshelled, one cent per pound; shelled, one and one-half cents per pound.

309. Nuts of all kinds, shelled or unshelled, not specially provided for in this act, one and one-half cents per pound.

Meat products.**MEAT PRODUCTS—**

310. Bacon and hams, five cents per pound.

311. Beef, mutton, and pork, two cents per pound.

312. Meats of all kinds, prepared or preserved, not specially provided for in this act, twenty-five per centum ad valorem.

313. Extract of meat, all not specially provided for in this act, thirty-five cents per pound; fluid extract of meat, fifteen cents per pound; and no separate or additional duty shall be collected on such

coverings unless as such they are suitable and apparently designed for use other than in the importation of meat extracts.

314. Lard, two cents per pound.

315. Poultry, live, three cents per pound; dressed, five cents per pound.

316. Tallow, one cent per pound; wool grease, including that known commercially as degrass or brown wool grease, one-half of one cent per pound.

MISCELLANEOUS PRODUCTS—

317. Chicory-root, burnt or roasted, ground or granulated, or in rolls, or otherwise prepared, and not specially provided for in this act, two cents per pound.

318. Chocolate, (other than chocolate confectionery and chocolate commercially known as sweetened chocolate,) two cents per pound.

319. Cocoa, prepared or manufactured, not specially provided for in this act, two cents per pound.

320. Cocoa-butter or cocoa-butterine, three and one-half cents per pound.

321. Dandelion-root and acorns prepared, and other articles used as coffee, or as substitutes for coffee, not specially provided for in this act, one and one-half cents per pound.

SALT.

322. Salt in bags, sack, barrels, or other packages twelve cents per one hundred pounds; in bulk, eight cents per one hundred pounds:

Provided, That imported salt in bond may be used in curing fish taken by vessels licensed to engage in the fisheries, and in curing fish on the shores of the navigable waters of the United States, under such regulations as the Secretary of the Treasury shall prescribe; and upon proof that the salt has been used for either of the purposes stated in this proviso, the duties on the same shall be remitted:

Provided further, That exporters of meats, whether packed or smoked, which have been cured in the United States with imported salt, shall, upon satisfactory proof, under such regulations as the Secretary of the Treasury shall prescribe, that such meats have been cured with imported salt, have refunded to them from the Treasury the duties paid on the salt so used in curing such exported meats, in amounts not less than one hundred dollars.

323. Starch, including all preparations, from whatever substance produced, fit for use as starch, two cents per pound.

324. Dextrine, burnt starch, gum substitute, or British gum, one and one-half cents per pound.

325. Mustard, ground or preserved, in bottles or otherwise, ten cents per pound.

326. Spices, ground or powdered, not specially provided for in this act, four cents per pound; cayenne pepper, two and one-half cents per pound, unground; sage, three cents per pound.

327. Vinegar, seven and one-half cents per gallon. 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.

328. There shall be allowed on the imported tin-plate used in the manufacture of cans, boxes, packages, and all articles of tin ware exported, either empty or filled with domestic products, a drawback equal to the duty paid on such tin-plate, less one per centum of such duty, which shall be retained for the use of the United States.

SCHEDULE G.
Agricultural products and provisions—continued.

Miscellaneous products.

Salt.

Drawback.
Fish.

Meats.

Drawback on tin cans, etc.

SCHEDULE H.
Spirits, wines, and other beverages.
Spirits.

SCHEDULE H.—SPIRITS, WINES, AND OTHER BEVERAGES.

SPIRITS.—

329. Brandy and other spirits manufactured or distilled from grain or other materials, and not specially provided for in this act, two dollars and fifty cents per proof gallon.

SCHEDULE H.
Spirits, wines,
and other beverages—continued.
Determining
proof.

330. 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 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:

Provided, That it shall be lawful for the Secretary of the Treasury, in his discretion, to authorize the ascertainment of the proof of wines, cordials, or other liquors, by distillation or otherwise, in case where it is impracticable to ascertain such proof by the means prescribed by existing law or regulations.

By distillation,
&c.

331. On all compounds or preparations of which distilled spirits are a component part of chief value, not specially provided for in this act, there shall be levied a duty not less than that imposed upon distilled spirits.

332. Cordials, liquors, arrack, absinthe, kirschwasser, ratafia, and other spirituous beverages or bitters of all kinds containing spirits, and not specially provided for in this act, two dollars and fifty cents per proof gallon.

Minimum rate.

333. 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 all imitations of brandy or spirits or 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 and fifty cents per gallon.

Proportionate
increase.
Imitations.

334. Bay-rum or bay-water, whether distilled or compounded, of first proof, and in proportion for any greater strength than first proof, one dollar and fifty cents per gallon.

Wines.

Sparkling.

WINES:

335 Champagne and all other sparkling wines, in bottles containing each not more than one quart and more than one pint, eight dollars per dozen; containing not more than one pint each and more than one-half pint, four dollars per dozen; containing one-half pint each or less, two dollars per dozen; in bottles or other vessels containing more than one quart each, in addition to eight dollars per dozen bottles, on the quantity in excess of one quart, at the rate of two dollars and fifty cents per gallon.

Still.

336. Still wines, including ginger wine or ginger cordial and vermouth, in casks, fifty cents per gallon; in bottles or jugs, per case of one dozen bottles or jugs, containing each not more than one quart and more than one pint, or twenty-four bottles or jugs containing each not more than one pint, one dollar and sixty cents per case; and any excess beyond these quantities found in such bottles or jugs shall be subject to a duty of five cents per pint or fractional part thereof, but no separate or additional duty shall be assessed on the bottles or jugs:

Forfeiture for excessive strength.

Provided, That any wines, ginger-cordial, or vermouth imported containing more than twenty-four per centum of alcohol shall be forfeited to the United States:

No breakage allowance, &c.

And provided further, That there shall be no constructive or other allowance for breakage, leakage, or damage on wines, liquors, cordials, or distilled spirits. Wines, cordials, brandy, and other spirituous liquors imported in bottles or jugs shall be packed in packages containing not less than one dozen bottles or jugs in each package; and all such bottles or jugs shall pay an additional duty of three cents for each bottle or jug unless specially provided for in this act.

Duties on jugs,
&c.

Ale, &c.

337. Ale, porter, and beer, in bottles or jugs, forty cents per gallon, but no separate or additional duty shall be assessed on the bot-

tles or jugs; otherwise than in bottles or jugs, twenty cents per gallon.

338. Malt extract, fluid, in casks, twenty cents per gallon; in bottles or jugs, forty cents per gallon; solid or condensed, forty per centum ad valorem.

339. Cherry juice and prune juice, or prune wine, and other fruit juice, not specially provided for in this act, containing not more than eighteen per centum of alcohol, sixty cents per gallon; if containing more than eighteen per centum of alcohol, two dollars and fifty cents per proof gallon.

340. Ginger-ale, ginger-beer, lemonade, soda-water, and other similar waters in plain green or colored molded or pressed glass bottles, containing each not more than three-fourths of a pint, thirteen cents per dozen; containing more than three-fourths of a pint each and not more than one and one-half pints, twenty-six cents per dozen; but no separate or additional duty shall be assessed on the bottles; if imported otherwise than in plain green or colored molded or pressed glass bottles or in such bottles containing more than one and one-half pints each, fifty cents per gallon and in addition thereto, duty shall be collected on the bottles, or other coverings, at the rates which would be chargeable thereon if imported empty.

341. All mineral waters, and all imitations of natural mineral waters, and all artificial mineral waters not specially provided for in this act, in green or colored glass bottles, containing not more than one pint, sixteen cents per dozen bottles. If containing more than one pint and not more than one quart, twenty-five cents per dozen bottles. But no separate duty shall be assessed upon the bottles. If imported otherwise than in plain green or colored glass bottles, or if imported in such bottles containing more than one quart, twenty cents per gallon, and in addition thereto duty shall be collected upon the bottles or other covering at the same rates that would be charged if imported empty or separately.

SCHEDULE I.—COTTON MANUFACTURERS.

342. Cotton thread, yarn, warps, or warp-yarn, whether single or advanced beyond the condition of single, by grouping or twisting two or more single yarns together, whether on beams or in bundles, skeins, or cops, or in any other form, except spool-thread of cotton, hereinafter provided for, valued at not exceeding twenty-five cents per pound, ten cents per pound; valued at over twenty-five cents per pound and not exceeding forty cents per pound, eighteen cents per pound; valued at over forty cents per pound and not exceeding fifty cents per pound, twenty-three cents per pound; valued at over fifty cents per pound and not exceeding sixty cents, per pound, twenty-eight cents per pound; valued at over sixty cents per pound and not exceeding seventy cents per pound, thirty-three cents per pound; valued at over seventy cents per pound and not exceeding eighty cents per pound, thirty-eight cents per pound; valued at over eighty cents per pound and not exceeding one dollar per pound, forty-eight cents per pound; valued at over one dollar per pound, fifty per centum ad valorem.

343. Spool-thread of cotton, containing on each spool not exceeding one hundred yards of thread, seven cents per dozen; exceeding one hundred yards on each spool, for every additional one hundred yards of thread or fractional part thereof in excess of one hundred yards, seven cents per dozen spools.

344. Cotton cloth not bleached, dyed, colored, stained, painted, or printed, and not exceeding fifty threads to the square inch, counting the warp and filling, two cents per square yard; if bleached, two and one-half cents per square yard; if dyed, colored, stained, painted, or printed, four cents per square yard.

SCHEDULE H.
Spirits, wines,
and other beverages—continued.
Malt extract.

Cherry juice,
&c.

Ginger-ale, &c.

Mineral waters,
&c.

SCHEDULE I.
Cotton manufactures.
Thread.

Spool-thread.

Cotton cloth.

SCHEDULE I.
Cotton manufac-
tures—continued.
Same.

345. Cotton cloth not bleached, dyed, colored, stained, painted, or printed, exceeding fifty and not exceeding one hundred threads to the square inch, counting the warp and filling, two and one-fourth cents per square yard; if bleached, three cents per square yard; if dyed, colored, stained, painted, or printed, four cents per square yard:

Provided, That on all cotton cloth not exceeding one hundred threads to the square inch, counting the warp and filling, not bleached, dyed, colored, stained, painted, or printed, valued at over six and one-half cents per square yard; bleached, valued at over nine cents per square yard; and dyed, colored, stained, painted, or printed, valued at over twelve cents per square yard, there shall be levied, collected, and paid a duty of thirty-five per centum ad valorem.

Same.

346. Cotton cloth, not bleached, dyed, colored, stained, painted, or printed, exceeding one hundred and not exceeding one hundred and fifty threads to the square inch, counting the warp and filling, three cents per square yard; if bleached, four cents per square yard; if dyed, colored, stained, painted, or printed, five cents per square yard:

Provided, That on all cotton cloth exceeding one hundred and not exceeding one hundred and fifty threads to the square inch, counting the warp and filling, not bleached, dyed, colored, stained, painted, or printed, valued at over seven and one-half cents per square yard; bleached, valued at over ten cents per square yard; dyed, colored, stained, painted, or printed, valued at over twelve and one-half cents per square yard, there shall be levied, collected, and paid a duty of forty per centum ad valorem.

Same.

347. Cotton cloth, not bleached, dyed, colored, stained, painted, or printed, exceeding one hundred and fifty and not exceeding two hundred threads to the square inch, counting the warp and filling, three and a half cents per square yard; if bleached, four and one-half cents per square yard; if dyed, colored, stained, painted, or printed, five and one-half cents, per square yard:

Provided, That on all cotton cloth exceeding one hundred and fifty and not exceeding two hundred threads to the square inch, counting the warp and filling, not bleached, dyed, colored, stained, painted, or printed, valued at over eight cents per square yard; bleached valued at over ten cents per square yard; dyed, colored, stained, painted, or printed, valued at over twelve cents per square yard, there shall be levied, collected, and paid a duty of forty-five per centum ad valorem.

Same.

348. Cotton cloth, not bleached, dyed, colored, stained, painted, or printed, exceeding two hundred threads to the square inch, counting the warp and filling, four and one-half cents per square yard; if bleached, five and one-half cents per square yard; if dyed, colored, stained, painted, or printed, six and three-fourths cents per square yard:

Provided, That on all such cotton cloths not bleached, dyed, colored, stained, painted, or printed, valued at over ten cents per square yard; bleached, valued at over twelve cents per square yard; and dyed, colored, stained, painted, or printed, valued at over fifteen cents per square yard, there shall be levied, collected, and paid a duty of forty-five per centum ad valorem:

Silk mixtures.

Provided further, That on cotton cloth, bleached, dyed, colored, stained, painted or printed, containing an admixture of silk, and not otherwise provided for, there shall be levied, collected, and paid a duty of ten cents per square yard, and in addition thereto thirty-five per centum ad valorem.

Clothing.

349. Clothing ready made, and articles of wearing apparel of every description, handkerchiefs, and neckties or neck wear, composed of cotton or other vegetable fiber, or of which cotton or other vegeta-

ble fiber is the component material of chief value, made up or manufactured wholly or in part by the tailor, seamstress, or manufacturer, all of the foregoing not specially provided for in this act, fifty per centum ad valorem:

Provided, That all such clothing ready made and articles of wearing apparel having India rubber as a component material (not including gloves or elastic articles that are specially provided for in this act), shall be subject to a duty of fifty cents per pound, and in addition thereto fifty per centum ad valorem.

350. Plushes, velvets, velveteens, corduroys, and all pile fabrics composed of cotton or other vegetable fiber, not bleached, dyed, colored, stained, painted, or printed, ten cents per square yard and twenty per centum ad valorem; on all such goods if bleached, twelve cents per square yard and twenty per centum ad valorem; if dyed, colored, stained, painted, or printed, fourteen cents per square yard and twenty per centum ad valorem; but none of the foregoing articles in this paragraph shall pay a less rate of duty than forty per centum ad valorem.

351. Chenille curtains, table covers, and all goods manufactured of cotton chenille, or of which cotton chenille forms the component material of chief value, sixty per centum ad valorem.

352. Stockings, hose and half-hose, made on knitting machines or frames, composed of cotton or other vegetable fiber and not otherwise specially provided for in this act, and shirts and drawers composed of cotton, valued at not more than one dollar and fifty cents per dozen, thirty-five per centum ad valorem.

353. Stockings, hose, and half-hose, selvedged, fashioned, narrowed, or shaped wholly or in part by knitting machines or frames, or knit by hand, including such as are commercially known as seamless stockings, hose or half-hose, all of the above composed of cotton or other vegetable fiber, finished or unfinished, valued at not more than sixty cents per dozen pairs, twenty cents per dozen pairs, and in addition thereto twenty per centum ad valorem; valued at more than sixty cents per dozen pairs and not more than two dollars per dozen pairs, fifty cents per dozen pairs, and in addition thereto thirty per centum ad valorem; valued at more than two dollars per dozen pairs, and not more than four dollars per dozen pairs, seventy-five cents per dozen pairs, and in addition thereto, forty per centum ad valorem; valued at more than four dollars per dozen pairs, one dollar per dozen pairs, and in addition thereto, forty per centum ad valorem; and all shirts and drawers composed of cotton or other vegetable fiber, valued at more than one dollar and fifty cents per dozen and not more than three dollars per dozen, one dollar per dozen, and in addition thereto, thirty-five per centum ad valorem; valued at more than three dollars per dozen, and not more than five dollars per dozen, one dollar and twenty-five cents per dozen, and in addition thereto, forty per centum ad valorem; valued at more than five dollars per dozen, and not more than seven dollars per dozen, one dollar and fifty cents per dozen, and in addition thereto, forty per centum ad valorem; valued at more than seven dollars per dozen, two dollars per dozen, and in addition thereto, forty per centum ad valorem.

354. Cotton cords, braids, boot, shoe, and corset lacings, thirty-five cents per pound; cotton gimps, galloons, webbing, goring, suspenders, and braces, any of the foregoing which are elastic or non-elastic, forty per centum ad valorem:

Provided, That none of the articles included in this paragraph shall pay a less rate of duty than forty per centum ad valorem.

355. Cotton damask, in the piece or otherwise, and all manufactures of cotton not specially provided for in this act, forty per centum ad valorem.

SCHEDULE I.
Cotton manufactures—continued.

India rubber mixtures.

Plushes, &c.

Chenille curtains, &c.

Stockings, etc.

Cords, &c.

Minimum.

Damask, &c.

SCHEDULE J.

SCHEDULE J.—FLAX, HEMP, AND JUTE, AND MANUFACTURES OF.

Flax, hemp, and jute, and manufactures of.

- 356. Flax straw, five dollars per ton.
- 357. Flax, not hackled or dressed, one cent per pound.
- 358. Flax, hackled, known as "dressed line," three cents per pound.
- 359. Tow, of flax or hemp, one half of one cent per pound.
- 360. Hemp twenty-five dollars per ton; hemp, hackled, known as line of hemp, fifty dollars per ton.
- 361. Yarn, made of jute, thirty-five per centum ad valorem.
- 362. [*For substitute, see 1891, Feb. 18, Res. No. 11, post, p. 955.*]
- 363. Hemp and jute carpets and carpetings, six cents per square yard.

Burlaps, &c.

364. Burlaps, not exceeding sixty inches in width, of flax, jute or hemp, or of which flax, or jute, hemp, or either of them, shall be the component material of chief value (except such as may be suitable for bagging for cotton), one and five-eighths cents per pound.

365. Bags for grain made of burlaps, two cents per pound.

366. Bagging for cotton, gunny cloth, and all similar material suitable for covering cotton, composed in whole or in part of hemp, flax, jute, or jute butts, valued at six cents or less per square yard, one and six-tenth cents per square yard; valued at more than six cents per square yard, one and eight-tenths cents per square yard.

367. Flax gill-netting, nets, webs, and seines, when the thread or twine of which they are composed is made of yarn of a number not higher than twenty, fifteen cents per pound, and thirty-five per centum ad valorem; when made of threads or twines, the yarn of which is finer than number twenty, twenty cents per pound and in addition thereto forty-five per centum ad valorem.

368. Linen hydraulic hose, made in whole or in part of flax, hemp or jute, twenty cents per pound.

Oil-cloth, &c.

369. Oil-cloth for floors, stamped, painted, or printed, including linoleum, corticene, cork-carpet, figured or plain, and all other oil-cloth (except silk oil-cloth), and water-proof cloth, not specially provided for in this act, valued at twenty-five cents or less per square yard, forty per centum ad valorem; valued above twenty-five cents per square yard, fifteen cents per square yard and thirty per centum ad valorem.

Yarns, &c.

370. Yarns or threads composed of flax or hemp, or of a mixture of either of these substances, valued at thirteen cents or less per pound, six cents per pound; valued at more than thirteen cents per pound, forty-five per centum ad valorem.

Manufactures.

371. All manufactures of flax or hemp, or of which these substances, or either of them, is the component material of chief value, not specially provided for in this act, fifty per centum ad valorem:

Provided, That until January first, eighteen hundred and ninety-four, such manufactures of flax containing more than one hundred threads to the square inch, counting both warp and filling, shall be subject to a duty of thirty-five per centum ad valorem in lieu of the duty herein provided.

Rate until Jan. 1, 1894.

Collars and cuffs, &c.

372. Collars and cuffs, composed entirely of cotton, fifteen cents per dozen pieces and thirty-five per centum ad valorem; composed in whole or in part of linen, thirty cents per dozen pieces and forty per centum ad valorem; shirts, and all articles of wearing apparel of every description, not specially provided for in this act, composed wholly or in part of linen, fifty-five per centum ad valorem.

373. Laces, edgings, embroideries, insertings, neck ruffings, ruchings, trimmings, tuckings, lace window-curtains, and other similar

tamboured articles, and articles embroidered by hand or machinery, embroidered and hem-stitched handkerchiefs, and articles made wholly or in part of lace, ruffings, tuckings, or ruchings, all of the above named articles, composed of flax, jute, cotton, or other vegetable fiber, or of which these substances or either of them, or a mixture of any of them is the component material of chief value, not specially provided for in this act, sixty per centum ad valorem:

Provided, That articles of wearing apparel, and textile fabrics, when embroidered by hand or machinery, and whether specially or otherwise provided for in this act, shall not pay a less rate of duty than that fixed by the respective paragraphs and schedules of this act upon embroideries of the materials of which they are respectively composed.

374. All manufactures of jute, or other vegetable fiber, except flax, hemp or cotton, or of which jute, or other vegetable fiber, except flax, hemp or cotton, is the component material of chief value, not specially provided for in this act, valued at five cents per pound or less, two cents per pound; valued above five cents per pound, forty per centum ad valorem.

SCHEDULE J.
Flax, hemp, and jute, and manufactures of—continued.
Laces, &c!

Hand embroidered.

Jute, &c., manufactures.

SCHEDULE K. WOOL AND MANUFACTURES OF WOOL.

375. All wools, hair of the camel, goat, alpaca, and other like animals shall be divided for the purpose of fixing the duties to be charged thereon into the three following classes:

376. Class one, that is to say, Merino, mestiza, metz, or metiz 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.

377. Class two, 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 hair of the camel, goat, alpaca, and other like animals.

378. Class three, that is to say, Donskoi, native South American, Cordova, Valparaiso, native Smyrna, Russian camels hair, 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, excepting improved wools hereinafter provided for.

379. The standard samples of all wools which are now or may be hereafter deposited in the principal custom-houses of the United States, under the authority of the Secretary of the Treasury, shall be the standards for the classification of wools under this act, and the Secretary of the Treasury shall have the authority to renew these standards and to make such additions to them from time to time as may be required, and he shall cause to be deposited like standards in other custom-houses of the United States when they may be needed.

380. Whenever wools of class three shall have been improved by the admixture of Merino or English blood from their present character as represented by the standard samples now or hereafter to be deposited in the principal custom-houses of the United States, such improved wools shall be classified for duty either as class one or as class two, as the case may be.

381. The duty on wools of the first class which shall be imported washed shall be twice the amount of the duty to which they would

SCHEDULE K.
Wool, and manufactures of.

Classification.

Standard samples.

SCHEDULE K.
Wool, and man-
ufactures of—con-
tinued.

be subjected if imported unwashed; and the duty on wools of the first and second classes which shall be imported scoured shall be three times the duty to which they would be subjected if imported unwashed.

382. Unwashed wools shall be considered such as shall have been shorn from the sheep without any cleansing; that is, in their natural condition. Washed wools shall be considered such as have been washed with water on the sheep's back. Wool washed in any other manner than on the sheep's back shall be considered as scoured wool.

383. The duty upon wool of the sheep or hair of the camel, goat, alpaca, and other like animals which shall be imported in any other than ordinary condition, 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, or which has been sorted or increased in value by the rejection of any part of the original fleece, shall be twice the duty to which it would be otherwise subject:

Skirted wools,
&c., excepted.

Provided, That skirted wools as now imported are hereby excepted. Wools on which a duty is assessed amounting to three times or more than that which would be assessed if said wool was imported unwashed, such duty shall not be doubled on account of its being sorted. If any bale or package of wool or hair specified in this act imported as of any specified class, or claimed by the importer to be dutiable as of any specified class shall contain any wool or hair subject to a higher rate of duty than the class so specified, the whole bale or package shall be subject to the highest rate of duty chargeable on wool of the class subject to such higher rate of duty, and if any bale or package be claimed by the importer to be shoddy, mungo, flocks, wool, hair, or other material of any class specified in this act, and such bale contain any admixture of any one or more of said materials, or of any other material, the whole bale or package shall be subject to duty at the highest rate imposed upon any article in said bale or package.

Rates of duty.

384. The duty upon all wools and hair of the first class shall be eleven cents per pound, and upon all wools or hair of the second class twelve cents per pound.

385. On wools of the third class and on camel's hair of the third class the value whereof shall be thirteen cents or less per pound, including charges, the duty shall be thirty-two per centum ad valorem.

386. On wools of the third class, and on camel's hair of the third class, the value whereof shall exceed thirteen cents per pound including charges the duty shall be fifty per cent. ad valorem.

387. Wools on the skin shall pay the same rate as other wools, the quantity and value to be ascertained under such rules as the Secretary of the Treasury may prescribe.

388. On noils, shoddy, top waste, slubbing waste, roving waste, ring waste, yarn waste, garnetted waste, and all other wastes composed wholly or in part of wool, the duty shall be thirty cents per pound.

389. On woolen rags, mungo, and flocks, the duty shall be ten cents per pound.

390. Wools and hair of the camel, goat, alpaca, or other like animals, in the form of roping, roving, or tops, and all wool and hair which have been advanced in any manner or by any process of manufacture beyond the washed or scoured condition, not specially provided for in this act, shall be subject to the same duties as are imposed upon manufactures of wool not specially provided for in this act.

Yarns, &c.

391. On woolen and worsted yarns made wholly or in part of wool, worsted, the hair of the camel, goat, alpaca, or other animals, valued at not more than thirty cents per pound, the duty per pound shall be

two and one-half times the duty imposed by this act on a pound of unwashed wool of the first class, and in addition thereto, thirty five per centum ad valorem; valued at more than thirty cents and not more than forty cents per pound, the duty per pound shall be three times the duty imposed by this act on a pound of unwashed wool of the first class, and in addition thereto thirty-five per centum ad valorem; valued at more than forty cents per pound, the duty per pound shall be three and one-half times the duty imposed by this act on a pound of unwashed wool of the first class, and in addition thereto forty per centum ad valorem.

392. On woolen or worsted cloths, shawls, knit fabrics, and all fabrics made on knitting machines or frames, and all manufactures of every description made wholly or in part of wool, worsted, the hair of the camel, goat, alpaca, or other animals, not specially provided for in this act, valued at not more than thirty cents per pound, the duty per pound shall be three times the duty imposed by this act on a pound of unwashed wool of the first class, and in addition thereto forty per centum ad valorem; valued at more than thirty and not more than forty cents per pound, the duty per pound shall be three and one-half times the duty imposed by this act on a pound of unwashed wool of the first class, and in addition thereto forty per centum ad valorem; valued at above forty cents per pound, the duty per pound shall be four times the duty imposed by this act on a pound of unwashed wool of the first class, and in addition thereto fifty per centum ad valorem.

393. On blankets, hats of wool, and flannels for underwear composed wholly or in part of wool, the hair of the camel, goat, alpaca, or other animals, valued at not more than thirty cents per pound, the duty per pound shall be the same as the duty imposed by this act on one pound and one-half of unwashed wool of the first class, and in addition thereto thirty per centum ad valorem; valued at more than thirty and not more than forty cents per pound, the duty per pound shall be twice the duty imposed by this act on a pound of unwashed wool of the first class; valued at more than forty cents and not more than fifty cents per pound, the duty per pound shall be three times the duty imposed by this act on a pound of unwashed wool of the first class; and in addition thereto upon all the above-named articles thirty-five per centum ad valorem. On blankets and hats of wool composed wholly or in part of wool, the hair of the camel, goat, alpaca, or other animal, valued at more than fifty cents per pound, the duty per pound shall be three and a half times the duty imposed by this act on a pound of unwashed wool of the first class, and in addition thereto forty per centum ad valorem. Flannels composed wholly or in part of wool, the hair of the camel, goat, alpaca, or other animals, valued at above fifty cents per pound shall be classified and pay the same duty as women's and children's dress goods, coat linings, Italian cloths, and goods of similar character and description provided by this act.

394. On women's and children's dress goods, coat linings, Italian cloths, and goods of similar character or description of which the warp consists wholly of cotton or other vegetable material, with the remainder of the fabric composed wholly or in part of wool, worsted, the hair of the camel, goat, alpaca, or other animals, valued at not exceeding fifteen cents per square yard, seven cents per square yard, and in addition thereto forty per centum ad valorem; valued at above fifteen cents per square yard, eight cents per square yard, and in addition thereto fifty per centum ad valorem:

Provided, That on all such goods weighing over four ounces per square yard the duty per pound shall be four times the duty imposed by this act on a pound of unwashed wool of the first class, and in addition thereto fifty per centum ad valorem.

SCHEDULE K.
Wool, and manufactures of—continued.

Cloths, &c.
46 Fed. Rep.,
510.

Blankets, hats,
&c.

Dress goods.

Extra rate.

SCHEDULE K.
Wool, and man-
ufactures of—con-
tinued.

395. On women's and children's dress goods, coat linings, Italian cloth, bunting, and goods of similar description or character composed wholly or in part of wool, worsted, the hair of the camel, goat, alpaca, or other animals, and not specially provided for in this act, the duty shall be twelve cents per square yard, and in addition thereto fifty per centum ad valorem:

Extra rate.

Provided, That on all such goods weighing over four ounces per square yard the duty per pound shall be four times the duty imposed by this act on a pound of unwashed wool of the first class, and in addition thereto fifty per centum ad valorem.

Clothing.
46 Fed. Rep.,
510.

396. On clothing, ready made, and articles of wearing apparel of every description, made up or manufactured wholly or in part not specially provided for in this act, felts not woven, and not specially provided for in this act, and plushes and other pile fabrics, all the foregoing, composed wholly or in part of wool, worsted, the hair of the camel, goat, alpaca, or other animals the duty per pound shall be four and one-half times the duty imposed by this act on a pound of unwashed wool of the first class, and in addition thereto sixty per centum ad valorem.

Cloaks, etc.

397. On cloaks, dolmans, jackets, talmas, ulsters, or other outside garments for ladies and children's apparel and goods of similar description, or used for like purposes, composed wholly or in part of wool, worsted, the hair of the camel, goat, alpaca, or other animals, made up or manufactured wholly or in part, the duty per pound shall be four and one-half times the duty imposed by this act on a pound of unwashed wool of the first class, and in addition thereto sixty per centum ad valorem.

Webbings, &c.

398. On webbings, gorings, suspenders, braces, beltings, bindings, braids, galloons, fringes, gimps, cords, cords and tassels, dress trimmings, laces and embroideries, head nets, buttons, or barrel buttons, or buttons of other forms, for tassels or ornaments, wrought by hand or braided by machinery any of the foregoing which are elastic or non-elastic, made of wool, worsted, the hair of the camel, goat, alpaca, or other animals, or of which wool, worsted, the hair of the camel, goat, alpaca, or other animals is a component material, the duty shall be sixty cents per pound, and in addition thereto sixty per centum ad valorem.

Carpets, &c.

399. Aubusson, Axminster, Moquette, and Chenille carpets, figured or plain, carpets woven whole for rooms, and all carpets or carpeting of like character or description, and oriental, Berlin, and other similar rugs, sixty cents per square yard, and in addition thereto forty per centum ad valorem.

400. Saxony, Wilton, and Tournay velvet carpets, figured or plain, and all carpets or carpeting of like character or description, sixty cents per square yard, and in addition thereto forty per centum ad valorem.

401. Brussels carpets, figured or plain, and all carpets or carpeting of like character or description, forty-four cents per square yard, and in addition thereto forty per centum ad valorem.

402. Velvet and tapestry velvet carpets, figured or plain, printed on the warp or otherwise, and all carpets or carpeting of like character or description, forty cents per square yard, and in addition thereto forty per centum ad valorem.

403. Tapestry Brussels carpets, figured or plain, and all carpets or carpeting of like character or description, printed on the warp or otherwise, twenty-eight cents per square yard, and in addition thereto forty per centum ad valorem.

404. Treble ingrain, three-ply and all chain Venetian carpets, nineteen cents per square yard, and in addition thereto forty per centum ad valorem.

405. Wool Dutch and two-ply ingrain carpets, fourteen cents per square yard, and in addition thereto forty per centum ad valorem.

406. Druggets and bockings, printed, colored, or otherwise, twenty-two cents per square yard, and in addition thereto forty per centum ad valorem. Felt carpeting, figured or plain, eleven cents per square yard, and in addition thereto forty per centum ad valorem.

407. Carpets and carpeting of wool, flax or cotton, or composed in part of either, not specially provided for in this act, fifty per centum ad valorem.

408. Mats, rugs, screens, covers, hassocks, bed sides, art squares, and other portions of carpets or carpeting made wholly or in part of wool, and not specially provided for in this act, shall be subjected to the rate of duty herein imposed on carpets or carpetings of like character or description.

SCHEDULE L.—SILK AND SILK GOODS.

409. Silk partially manufactured from cocoons or from waste-silk, and not further advanced or manufactured than carded or combed silk, fifty cents per pound.

410. Thrown silk, not more advanced than singles, tram, organzine, sewing silk, twist, floss, and silk threads or yarns of every description except spun silk, thirty per centum ad valorem; spun silk in skeins or cops or on beams, thirty-five per centum ad valorem.

411. Velvets, plushes, or other pile fabrics, containing, exclusive of selvages, less than seventy-five per centum in weight of silk, one dollar and fifty cents per pound and fifteen per centum ad valorem; containing, exclusive of selvages, seventy-five per centum or more in weight of silk, three dollars and fifty cents per pound, and fifteen per centum ad valorem; but in no case shall any of the foregoing articles pay a less rate of duty than fifty per centum ad valorem.

412. Webblings, gorings, suspenders, braces, beltings, bindings, braids, galloons, fringes, cords and tassels, any of the foregoing which are elastic or non-elastic, buttons, and ornaments, made of silk, or of which silk is the component material of chief value, fifty per centum ad valorem.

413. Laces and embroideries, handkerchiefs, neck ruffings and ruchings, clothing ready-made, and articles of wearing apparel of every description, including knit goods, made up or manufactured wholly or in part by the tailor, seamstress, or manufacturer, composed of silk, or of which silk is the component material of chief value, not specially provided for in this act, sixty per centum ad valorem:

Provided, That all such clothing ready made and articles of wearing apparel when composed in part of India rubber (not including gloves or elastic articles that are specially provided for in this act), shall be subject to a duty of eight cents per ounce, and in addition thereto sixty per centum ad valorem.

414. All manufactures of silk, or of which silk is the component material of chief value, not specially provided for in this act, fifty per centum ad valorem:

Provided, That all such manufactures of which wool, or the hair of the camel, goat, or other like animals is a component material, shall be classified as manufactures of wool.

SCHEDULE M.—PULP, PAPERS, AND BOOKS.

PULP AND PAPER.—

415. Mechanically ground wood pulp, two dollars and fifty cents per ton dry weight; chemical wood pulp unbleached, six dollars per ton dry weight; bleached, seven dollars per ton dry weight.

416. Sheathing paper, ten per centum ad valorem.

417. Printing paper unsized, suitable only for books and newspapers, fifteen per centum ad valorem.

SCHEDULE K.
Wool, and manufactures of—continued.

SCHEDULE L.
Silk and silk goods.
Partly manufactured.

Velvets, &c.

Webblings, &c.

Laces, &c.

Mixed with India rubber.

Manufactures.

Wool, &c., mixtures

SCHEDULE M.

Pulp, papers, and books.

SCHEDULE M.
Pulp, papers,
and books—con-
tinued.

418. Printing paper sized or glued, suitable only for books and newspapers, twenty per centum ad valorem.

419. Papers known commercially as copying paper, filtering paper, silver paper, and all tissue paper, white or colored, made up in copying books, reams, or in any other form, eight cents per pound, and in addition thereto fifteen per centum ad valorem; albumenized or sensitized paper, thirty-five per centum ad valorem.

420. Papers known commercially as surface-coated papers, and manufactures thereof, card-boards, lithographic prints from either stone or zinc, bound or unbound (except illustrations when forming a part of a periodical, newspaper, or in printed books accompanying the same), and all articles produced either in whole or in part by lithographic process, and photograph, autograph, and scrap albums, wholly or partially manufactured, thirty-five per centum ad valorem.

**Manufactures of
paper.**

MANUFACTURES OF PAPER.

421. Paper envelopes, twenty-five cents per thousand.

422. Paper hangings and paper for screens or fire-boards, writing-paper, drawing-paper, and all other paper not specially provided for in this act, twenty-five per centum ad valorem.

Books.
1891, March 3,
ch. 565, § 3, post,
p. 952.

423. Books, including blank books of all kinds, pamphlets and engravings, bound or unbound, photographs, etchings, maps, charts, and all printed matter not specially provided for in this act, twenty-five per centum ad valorem.

424. Playing cards, fifty cents per pack.

425. Manufactures of paper, or of which paper is the component material of chief value, not specially provided for in this act, twenty-five per centum ad valorem.

SCHEDULE N.
Sundries.

SCHEDULE N.—SUNDRIES.

426. Bristles, ten cents per pound.

427. Brushes, and brooms of all kinds, including feather dusters and hair pencils in quills, forty per centum ad valorem.

**Buttons and but-
ton forms.**

BUTTONS AND BUTTON FORMS.—

428. Button forms: Lastings, mohair, cloth, silk or other manufactures of cloth, woven or made in patterns of such size, shape, or form, or cut in such manner as to be fit for buttons exclusively, ten per centum ad valorem.

429. Buttons commercially known as Agate buttons, twenty-five per centum ad valorem. Pearl and shell buttons, two and one-half cents per line button measure of one-fortieth of one inch per gross, and in addition thereto twenty-five per centum ad valorem.

430. Ivory, vegetable ivory, bone or horn buttons, fifty per centum ad valorem.

431. Shoe-buttons, made of paper, board, papier maché, pulp, or other similar material not specially provided for in this act, valued at not exceeding three cents per gross, one cent per gross.

432. Coal, bituminous, and shale, seventy-five cents per ton of twenty-eight bushels, eighty pounds to the bushel; coal slack or culm, such as will pass through a half-inch screen, thirty cents per ton of twenty-eight bushels, eighty pounds to the bushel.

433. Coke, twenty per centum ad valorem.

434. Cork bark, cut into squares or cubes, ten cents per pound; manufactured corks, fifteen cents per pound.

435. Dice, draughts, chess-men, chess-balls, and billiard, pool, and bagatelle balls, of ivory, bone, or other materials, fifty per centum ad valorem.

436. Dolls, doll-heads, toy marbles of whatever material composed, and all other toys not composed of rubber, china, porcelain, parian, bisque, earthen or stoneware, and not specially provided for in this act, thirty-five per centum ad valorem.

437. Emery grains, and emery manufactured, ground, pulverized, or refined, one cent per pound.

EXPLOSIVE SUBSTANCES.—

438. Fire-crackers of all kinds, eight cents per pound, but no allowance shall be made for tare or damage thereon.

439. Fulminates, fulminating powders, and like articles, not specially provided for in this act, thirty per centum ad valorem.

440. Gunpowder, and all explosive substances used for mining, blasting, artillery, or sporting purposes, when valued at twenty cents or less per pound, five cents per pound; valued above twenty cents per pound, eight cents per pound.

441. Matches, friction or lucifer, of all descriptions, per gross of one hundred and forty-four boxes, containing not more than one hundred matches per box, ten cents per gross; when imported otherwise than in boxes containing not more than one hundred matches each, one cent per one thousand matches.

442. Percussion-caps, forty per centum ad valorem.

443. Feathers and downs of all kinds, crude or not dressed, colored, or manufactured, not specially provided for in this act, ten per centum ad valorem; when dressed, colored, or manufactured, including quilts of down and other manufactures of down, and also including dressed and finished birds suitable for millinery ornaments, and artificial and ornamental feathers and flowers, or parts thereof, of whatever material composed, not specially provided for in this act, fifty per centum ad valorem.

444. Furs, pressed on the skin but not made up into articles, and furs not on the skin, prepared for hatters' use, twenty per centum ad valorem.

445. Glass beads, loose, unthreaded or unstrung, ten per centum ad valorem.

446. Gun-wads of all descriptions, thirty-five per centum ad valorem.

447. Hair, human, if clean or drawn but not manufactured, twenty per centum ad valorem.

448. Hair-cloth, known as "crinoline-cloth," eight cents per square yard.

449. Hair-cloth, known as "hair seating," thirty cents per square yard.

450. Hair, curled, suitable for beds or mattresses, fifteen per centum ad valorem.

451. Hats, for men's, women's, and children's wear, composed of the fur of the rabbit, beaver, or other animals or of which such fur is the component material of chief value, wholly or partially manufactured, including fur hat bodies, fifty-five per centum ad valorem.

JEWELRY AND PRECIOUS STONES.—

452. Jewelry: All articles, not elsewhere specially provided for in this act composed of precious metals or imitations thereof, whether set with coral, jets, or pearls, or with diamonds, rubies, cameos, or other precious stones, or imitations thereof, or otherwise, and which shall be known commercially as "jewelry," and cameos in frames, fifty per centum ad valorem.

453. Pearls, ten per centum ad valorem.

454. Precious stones of all kinds, cut but not set, ten per centum ad valorem; if set, and not specially provided for in this act, twenty-five per centum ad valorem. Imitations of precious stones composed of paste or glass not exceeding one inch in dimensions, not set, ten per centum ad valorem.

LEATHER AND MANUFACTURES OF.—

455. Bend or belting leather and sole leather, and leather not specially provided for in this act, ten per centum ad valorem.

456. Calf-skins, tanned, or tanned and dressed, dressed upper leather, including patent, enameled, and japanned leather, dressed or undressed, and finished; chamois or other skins not specially

SCHEDULE N.
Sundries — continued.

Explosive substances.

Jewelry and precious stones.

Leather and manufactures of.

SCHEDULE N.
Sundries — con-
tinued.

enumerated or provided for in this act, twenty per centum ad valorem; book-binders' calf-skins, kangaroo, sheep and goat skins, including lamb and kid skins, dressed and finished, twenty per centum ad valorem; skins for morocco, tanned but unfinished, ten per centum ad valorem; piano forte leather and piano forte action leather, thirty-five per centum ad valorem; japanned calf-skins, thirty per centum ad valorem; boots and shoes, made of leather, twenty-five per centum ad valorem.

457. But leather cut into shoe uppers or vamps, or other forms, suitable for conversion into manufactured articles, shall be classified as manufactures of leather, and pay duty accordingly.

458. Gloves of all descriptions, composed wholly or in part of kid or other leather, and whether wholly or partly manufactured, shall pay duty at the rates fixed in connection with the following specified kinds thereof, fourteen inches in extreme length when stretched to the full extent, being in each case hereby fixed as the standard, and one dozen pairs as the basis, namely: Ladies' and children's schmaschen of said length or under, one dollar and seventy-five cents per dozen; ladies' and children's lamb of said length or under, two dollars and twenty-five cents per dozen; ladies' and children's kid of said length or under, three dollars and twenty-five cents per dozen; ladies' and children's suedes of said length or under, fifty per centum ad valorem; all other ladies' and children's leather gloves, and all men's leather gloves of said length or under, fifty per centum ad valorem; all leather gloves over fourteen inches in length, fifty per centum ad valorem; and in addition to the above rates there shall be paid on all men's gloves one dollar per dozen; on all lined gloves one dollar per dozen; on all pique or prick seam gloves, fifty cents per dozen; on all embroidered gloves, with more than three single strands or cords, fifty cents per dozen pairs.

False invoices.

Provided, That all gloves represented to be of a kind or grade below their actual kind or grade shall pay an additional duty of five dollars per dozen pairs:

Minimum rate.

Provided further, That none of the articles named in this paragraph shall pay a less rate of duty than fifty per centum ad valorem.

Miscellaneous manufactures.

MISCELLANEOUS MANUFACTURES.—

459. Manufactures of alabaster, amber, asbestos, bladders, coral, cat-gut or whip-gut or worm-gut, jet, paste, spar, wax, or of which these substances or either of them is the component material of chief value, not specially provided for in this act, twenty-five per centum ad valorem; osier or willow prepared for basketmakers' use, thirty per centum ad valorem; manufactures of osier or willow, forty per centum ad valorem.

460. Manufactures of bone, chip, grass, horn, India-rubber, palm-leaf, straw, weeds, or whalebone, or of which these substances or either of them is the component material of chief value, not specially provided for in this act, thirty per centum ad valorem.

461. Manufactures of leather, fur, gutta-percha, vulcanized India rubber known as hard rubber, human hair, papier-mache, indurated fiber wares and other manufactures composed of wood or other pulp, or of which these substances or either of them is the component material of chief value, all of the above not specially provided for in this act, thirty-five per centum ad valorem.

462. Manufactures of ivory, vegetable ivory, mother-of-pearl, and shell, or of which these substances or either of them is the component material of chief value, not specially provided for in this act, forty per centum ad valorem.

463. Masks, composed of paper or pulp, thirty-five per centum ad valorem.

464. Matting made of cocoa-fiber or rattan, twelve cents per square yard; mats made of cocoa-fiber or rattan, eight cents per square foot.

465. Paintings, in oil or water colors, and statuary, not otherwise provided for in this act, fifteen per centum ad valorem; but the term "statuary" as herein used shall be understood to include only such statuary as is cut, carved, or otherwise wrought by hand from a solid block or mass of marble, stone, or alabaster, or from metal, and as is the professional production of a statuary or sculptor only.

466. Pencils of wood filled with lead or other material, and pencils of lead, fifty cents per gross and thirty per centum ad valorem; slate pencils, four cents per gross.

467. Pencil-leads not in wood, ten per centum ad valorem.

PIPES AND SMOKERS' ARTICLES.—

468. Pipes, pipe-bowls, of all materials, and all smokers' articles whatsoever, not specially provided for in this act, including cigarette-books, cigarette book-covers, pouches for smoking or chewing tobacco, and cigarette-paper in all forms, seventy per centum ad valorem; all common tobacco pipes of clay, fifteen cents per gross.

469. Plush, black, known commercially as hatters' plush, composed of silk, or of silk and cotton, and used exclusively for making men's hats, ten per centum ad valorem.

470. Umbrellas, parasols, and sun-shades, covered with silk, or alpaca, fifty-five per centum ad valorem; if covered with other material, forty-five per centum ad valorem.

471. Umbrellas, parasols, and sun-shades, sticks for, if plain, finished or unfinished, thirty-five per centum ad valorem; if carved, fifty per centum ad valorem.

472. Waste, not specially provided for in this act, ten per centum ad valorem.

FREE LIST.

FREE LIST.

SEC. 2. On and after the sixth day of October, eighteen hundred and ninety, unless otherwise specially provided for in this act, the following articles when imported shall be exempt from duty:

Articles exempt from duty.
R. S., § 2505.

473. Acids used for medicinal, chemical, or manufacturing purposes, not specially provided for in this act.

474. Aconite.

475. Acorns, raw, dried or undried, but unground.

476. Agates, unmanufactured.

477. Albumen.

478. Alizarine, natural or artificial, and dyes commercially known as Alizarine yellow, Alizarine orange, Alizarine green, Alizarine blue, Alizarine brown, Alizarine black.

479. Amber, unmanufactured, or crude gum.

480. Ambergris.

481. Aniline salts,

482. Any animal imported specially for breeding purposes shall be admitted free:

Animals for breeding.

Provided, That no such animal shall be admitted free unless pure bred of a recognized breed, and duly registered in the book of record established for that breed:

Pedigree.

And provided further, That certificate of such record and of the pedigree of such animal shall be produced and submitted to the customs officer, duly authenticated by the proper custodian of such book of record, together with the affidavit of the owner, agent, or importer that such animal is the identical animal described in said certificate of record and pedigree. The Secretary of the Treasury may prescribe such additional regulations as may be required for the strict enforcement of this provision.

Certificate.

483. Animals brought into the United States temporarily 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 given in accordance with regulations pre-

FREE LIST.

Articles exempt
from duty—con-
tinued.

scribed by the Secretary of the Treasury; also, teams of animals, including their harness and tackle and the wagons or other vehicles actually owned by persons emigrating from foreign countries to the United States with their families, and in actual use for the purpose of such emigration under such regulations as the Secretary of the Treasury may prescribe; and wild animals intended for exhibition in zoological collections for scientific and educational purposes, and not for sale or profit.

484. Annatto, roucou, rocoa, or orleans, and all extracts of.

485. Antimony ore, crude sulphite of.

486. Apatite.

487. Argal, or argol, or crude tartar.

488. Arrow root, raw or unmanufactured.

489. Arsenic and sulphide of, or orpiment.

490. Arseniate of aniline.

491. Art educational stops, composed of glass and metal and valued at not more than six cents per gross.

492. Articles in a crude state used in dyeing or tanning not specially provided for in this act.

Articles return-
ed from abroad.

493. Articles the growth, produce, and manufacture of the United States, when returned after having been exported, without having been advanced in value or improved in condition by any process of manufacture or other means; casks, barrels, carboys, bags, and other vessels of American manufacture exported filled with American products, or exported empty and returned filled with foreign products, including shooks when returned as barrels or boxes; also quicksilver flasks or bottles, of either domestic or foreign manufacture, which shall have been actually exported from the United States; but proof of the identity of such articles shall be made, under general regulations to be prescribed by the Secretary of the Treasury; and if any such articles are subject to internal tax at the time of exportation such tax shall be proved to have been paid before exportation and not refunded:

Drawbacks.

Provided, That this paragraph shall not apply to any article upon which an allowance of drawback has been made, the re-importation of which is hereby prohibited except upon payment of duties equal to the drawbacks allowed; or to any article manufactured in bonded-warehouse and exported under any provision of law:

Tobacco reim-
ported.

1875, Feb. 8, ch.

36, § 24, *ante*, p. 61.

1882, Aug. 8, ch.

468, *ante*, p. 385.

1883, Jan. 13, ch.

24, *ante*, p. 391.

1886, Aug. 4, ch.

306, *ante*, p. 511.

And provided further, That when manufactured tobacco which has been exported without payment of internal-revenue tax shall be re-imported it shall be retained in the custody of the collector of customs until internal-revenue stamps in payment of the legal duties shall be placed thereon.

494. Asbestos, unmanufactured.

495. Ashes, wood and lye of, and beet-root ashes.

496. Asphaltum and bitumen, crude.

497. Asafetida.

498. Balm of Gilead.

499. Barks, cinchona or other from which quinine may be extracted.

500. Baryta, carbonate of, or witherite.

501. Bauxite, or beauxite.

502. Beeswax.

503. Bells, broken, and bell metal broken and fit only to be re manufactured.

504. Birds, stuffed, not suitable for millinery ornaments, and bird skins, prepared for preservation, but not further advanced in manufacture.

505. Birds and land and water fowls.

506. Bismuth.

507. Bladders, including fish-bladders or fish-sounds, crude, and all integuments of animals not specially provided for in this act.

508. Blood, dried.

509. Bologna sausages.

510. Bolting-cloths, especially for milling purposes, but not suitable for the manufacture of wearing apparel.

511. Bones, crude, or not burned, calcined, ground, steamed, or otherwise manufactured, and bone-dust or animal carbon, and bone ash, fit only for fertilizing purposes.

512. Books, engravings, photographs, bound or unbound etchings, maps, and charts, which shall have been printed and bound or manufactured more than twenty years at the date of importation.

513. Books and pamphlets printed exclusively in languages other than English; also books and music, in raised print, used exclusively by the blind.

514. Books, engravings, photographs, etchings, bound or unbound, maps and charts imported by authority or for use of the United States or for the use of the Library of Congress.

515. Books, maps, lithographic prints, 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 educational, philosophical, literary, or religious purposes, or for the encouragement of the fine arts, or for the use or by order of any college, academy, school, or seminary of learning in the United States, subject to such regulations as the Secretary of the Treasury shall prescribe.

516. Books, or libraries, or parts of libraries, and other household effects of persons or families from foreign countries, if actually used abroad by them not less than one year, and not intended for any other person or persons, nor for sale.

517. Brazil paste.

518. Braids, plaits, laces, and similar manufactures composed of straw, chip, grass, palm-leaf, willow, osier, or rattan, suitable for making or ornamenting hats, bonnets, and hoods.

519. Brazilian pebble, unwrought or unmanufactured.

520. Breccia, in block or slabs.

521. Bromine.

522. Bullion, gold or silver.

523. Burgundy pitch.

524. Cabinets of old coins and medals, and other collections of antiquities, but the term "antiquities" as used in this act shall include only such articles as are suitable for souvenirs or cabinet collections, and which shall have been produced at any period prior to the year seventeen hundred.

525. Cadmium.

526. Calamine.

527. Camphor, crude.

528. Castor or castoreum.

529. Catgut, whip-gut, or worm-gut, unmanufactured, or not further manufactured than in strings or cords.

530. Cerium.

531. Chalk, unmanufactured.

532. Charcoal.

533. Chicory-root, raw, dried, or undried, but unground.

534. Civet, crude.

535. Clay—Common blue clay in casks suitable for the manufacture of crucibles.

536. Coal, anthracite.

537. Coal stores of American vessels; but none shall be unloaded.

538. Coal-tar, crude.

539. Cobalt and cobalt-ore.

540. Coccus indicus.

541. Cochineal.

542. Cocoa, or cacao, crude, and fiber, leaves, and shells of.

543. Coffee.

FREE LIST.
Articles exempt
from duty—con-
tinued.

1891, Mar. 3, ch.
585, § 3, post, p.
952.

FREE LIST.
Articles exempt
from duty—con-
tinued.

- 544. Coins, gold, silver, and copper.
- 545. Coir, and coir yarn.
- 546. Copper, old, taken from the bottom of American vessels com-
pelled by marine disaster to repair in foreign ports.
- 547. Coral, marine, uncut, and unmanufactured.
- 548. Cork-wood, or cork-bark, unmanufactured.
- 549. Cotton, and cotton-waste or flocks.
- 550. Cryolite, or kryolith.
- 551. Cudbear.
- 552. Curling-stones, or quoits, and curling-stone handles.
- 553. Curry, and curry-powder.
- 554. Cutch.
- 555. Cuttle-fish bone.
- 556. Dandelion roots, raw, dried, or undried, but unground.
- 557. Diamonds and other precious stones, rough or uncut, includ-
ing glaziers' and engravers' diamonds not set, and diamond dust or
bort, and jewels to be used in the manufacture of watches.
- 558. Divi-divi.
- 559. Dragon's blood.
- 560. Drugs, such as barks, beans, berries, balsams, buds, bulbs,
and bulbous roots, excrescences such as nut-galls, fruits, flowers,
dried fibers, and dried insects, grains, gums, and gum-resin, herbs,
leaves, lichens, mosses, nuts, roots, and stems, spices, vegetables, seeds
aromatic, and seeds of morbid growth, weeds, and woods used ex-
pressly for dyeing; any of the foregoing which are not edible and
are in a crude state, and not advanced in value or condition by re-
fining or grinding, or by other process of manufacture, and not
specially provided for in this act.
- 561. Eggs of birds, fish, and insects.
- 562. Emery ore.
- 563. Ergot.
- 564. Fans, common palm-leaf and palm-leaf unmanufactured.
- 565. Farina.
- 566. Fashion-plates, engraved on steel or copper or on wood, col-
ored or plain.
- 567. Feathers and downs for beds.
- 568. Feldspar.
- 569. Felt, adhesive, for sheathing vessels.
- 570. Fibrin, in all forms.
- 571. Fish, the product of American fisheries, and fresh or frozen
fish (except salmon) caught in fresh waters by American vessels, or
with nets or other devices owned by citizens of the United States.
- 572. Fish for bait.
- 573. Fish skins.
- 574. Flint, flints, and ground flint stones.
- 575. Floor matting manufactured from round or split straw, in-
cluding what is commonly known as Chinese matting.
- 576. Fossils.
- 577. Fruit-plants, tropical and semi-tropical, for the purpose of
propagation or cultivation.

Fruits and nuts.

FRUITS AND NUTS—

- 578. Currants, Zante or other.
- 579. Dates.
- 580. Fruits, green, ripe, or dried, not specially provided for in
this act.
- 581. Tamarinds.
- 582. Cocoa nuts.
- 583. Brazil nuts.
- 584. Cream nuts.
- 585. Palm nuts.

586. Palm-nut kernels.

587. Furs, undressed.

588. Furs-skins of all kinds not dressed in any manner.

589. Gambier.

590. Glass, broken, and old glass, which can not be cut for use, and fit only to be remanufactured.

591. Glass plates or disks, rough-cut or unwrought, for use in the manufacture of optical instruments, spectacles, and eye-glasses, and suitable only for such use:

Provided, however, That such disks exceeding eight inches in diameter may be polished sufficiently to enable the character of the glass to be determined.

GRASSES AND FIBERS—

592. Istle or Tampico fiber.

593. Jute.

594. Jute butts.

595. Manilla.

596. Sisal-grass.

597. Sunn.

And all other textile grasses or fibrous vegetable substances, unmanufactured or undressed, not specially provided for in this act.

598. Gold beaters' molds and gold beaters' skins.

599. Grease, and oils, such as are commonly used in soap-making or in wire-drawing, or for stuffing or dressing leather and which are fit only for such uses, not specially provided for in this act.

600. Guano, manures, and all substances expressly used for manure.

601. Gunny bags and gunny cloths, old or refuse, fit only for remanufacture.

602. Guts, salted.

603. Gutta percha, crude.

604. Hair of horse, cattle, and other animals, cleaned or uncleaned, drawn or undrawn, but unmanufactured, not specially provided for in this act; and human hair, raw, uncleaned, and not drawn.

605. Hides, raw or uncured, whether dry, salted, or pickled, Angora goat-skins, raw, without the wool, unmanufactured, asses' skins, raw or unmanufactured, and skins, except sheep-skins with the wool on.

606. Hide-cuttings, raw, with or without hair, and all other glue-stock.

607. Hide rope.

608. Hones and whetstones.

609. Hoofs, unmanufactured.

610. Hop roots for cultivation.

611. Horns and parts of, unmanufactured, including horn strips and tips.

612. Ice.

613. India rubber, crude, and milk of, and old scrap or refuse India rubber which has been worn out by use and is fit only for remanufacture.

614. Indigo.

615. Iodine, crude.

616. Ipecac.

617. Iridium.

618. Ivory and vegetable ivory, not sawed, cut or otherwise manufactured.

619. Jalap.

620. Jet, unmanufactured.

621. Joss-stick, or Joss-light.

622. Junk, old.

FREE LIST.
Articles exempt
from duty—con-
tinued.

Glass disks, etc.

Grasses and
fibers.

§ 3, post, p. 856.

FREE LIST.

Articles exempt
from duty—con-
tinued.

623. Kelp.
 624. Kieserite.
 625. Kyanite, or cyanite, and kainite.
 626. Lac-dye, crude, seed, button, stick, and shell.
 627. Lac spirits.
 628. Lactarine.
 629. Lava, unmanufactured.
 630. Leeches.
 631. Lemon juice, lime juice, and sour-orange juice.
 632. Licorice-root, unground.
 633. Life-boats and life-saving apparatus specially imported by societies incorporated or established to encourage the saving of human life.
 634. Lime, citrate of.
 635. Lime, chloride of, or bleaching-powder.
 636. Lithographic stones not engraved.
 637. Litmus, prepared or not prepared.
 638. Loadstones.
 639. Madder and munjeet, or Indian madder, ground or prepared, and all extracts of.
 640. Magnesite, or native mineral carbonate of magnesia.
 641. Magnesium.
 642. Magnets.
 643. Manganese, oxide and ore of.
 644. Manna.
 645. Manuscripts.
 646. Marrow, crude.
 647. Marsh mallows.
 648. Medals of gold, silver, or copper, such as trophies or prizes.
 649. Meerschauum, crude or unmanufactured.
 650. Mineral waters, all not artificial.
 651. Minerals, crude, or not advanced in value or condition by refining or grinding, or by other process of manufacture, not specially provided for in this act.
 652. Models of inventions and of other improvements in the arts, including patterns for machinery, but no article shall be deemed a model or pattern which can be fitted for use otherwise.
 653. Moss, sea-weeds, and vegetable substances, crude or unmanufactured, not otherwise specially provided for in this act.
 654. Musk, crude, in natural pods.
 655. Myrobolan.
 656. Needles, hand-sewing, and darning.
 657. Newspapers and periodicals; but the term "periodicals" as herein used shall be understood to embrace only unbound or paper-covered publications, containing current literature of the day and issued regularly at stated periods, as weekly, monthly, or quarterly.
 658. Nux vomica.
 659. Oakum.
 660. Oil cake.

Oils.

661. OILS: Almond, amber, crude and rectified ambergris, anise or anise-seed, aniline, aspic or spike lavender, bergamot, cajeput, caraway, cassia, cinnamon, cedrat, chamomile, citronella or lemon grass, civet, fennel, Jasmine or Jasimine, Juglandium, Juniper, lavender, lemon, limes, mace, neroli or orange flower, nut oil or oil of nuts not otherwise specially provided for in this act, orange oil, olive oil for manufacturing or mechanical purposes unfit for eating and not otherwise provided for in this act, ottar of roses, palm and cocconut, rosemary or anthoss, sesame or sesamum-seed or bean, thyme, organum red or white, valerian; and also spermaceti, whale, and other fish oils of American fisheries, and all other articles the produce of such fisheries.
 662. Olives, green or prepared.

1891, March 3,
ch. 565, § 3, post,
pp. 951, 952.

663. Opium, crude or unmanufactured, and not adulterated, containing nine per centum or over of morphia.

FREE LIST.

Opium.

1887, Feb. 23, ch. 210, *ante*, p. 538. Pars. 47, 48, *ante*, p. 814; §§ 38-40, *post*, pp. 865, 866.

664. Orange and lemon peel, not preserved, candied, or otherwise prepared.

665. Orchil, or orchil liquid.

666. Orchids, lily of the valley, azaleas, palms, and other plants used for forcing under glass for cut flowers or decorative purposes.

667. Ores, of gold, silver, and nickel, and nickel matte:

Provided, That ores of nickel, and nickel matte, containing more than two per centum of copper, shall pay a duty of one-half of one cent per pound on the copper contained therein.

Copper, in nickel ores.

668. Osmium.

669. Palladium.

670. 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, old or refuse gunny bags or gunny cloth, and poplar or other woods, fit only to be converted into paper.

Paper stock.

671. Paraffine.

672. Parchment and vellum.

673. Pearl, mother of, not sawed, cut, polished, or otherwise manufactured.

674. Peltries and other usual goods and effects of Indians passing or repassing the boundary line of the United States; under such regulations as the Secretary of the Treasury may prescribe:

Indian peltries, &c.

Provided, That this exemption shall not apply to goods in bales or other packages unusual among Indians.

R. S., § 2515.

675. Personal and household effects not merchandise of citizens of the United States dying in foreign countries.

676. Pewter and britannia metal, old, and fit only to be re-manufactured.

677. 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 religious, philosophical, educational, scientific, or literary purposes, or for encouragement of the fine arts, and not intended for sale.

678. Phosphates, crude or native.

679. Plants, trees, shrubs, roots, seed-cane, and seeds, all of the foregoing imported by the Department of Agriculture or the United States Botanic Garden.

680. Plaster of Paris and sulphate of lime, unground.

681. Platina, in ingots, bars, sheets, and wire.

682. Platinum, unmanufactured, and vases, retorts, and other apparatus, vessels, and parts thereof composed of platinum for chemical uses.

683. Plumbago.

684. Polishing-stones.

685. Potash, crude, carbonate of, or "black salts." Caustic potash, or hydrate of, not including refined in sticks or rolls. Nitrate of potash, or saltpetre, crude. Sulphate of potash, crude or refined. Chlorate of potash. Muriate of potash.

686. Professional books, implements, instruments, and tools of trade, occupation, or employment, in the actual possession at the time 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 any other person or persons, or for sale.

687. Pufu.

688. Pumice.

FREE LIST.
Articles exempt
from duty—con-
tinued.

689. Quills, prepared or unprepared, but not made up into complete articles.

690. Quinia, sulphate of, and all alkaloids or salts of cinchona-bark.

691. Rags, not otherwise specially provided for in this act.

692. Regalia and gems, statues, statuary and specimens of sculpture where specially imported in good faith for the use of any society incorporated or established solely for educational, philosophical, literary, or religious purposes, or for the encouragement of fine arts, or for the use or by order of any college, academy, school, seminary of learning, or public library in the United States; but the term "regalia" as herein used shall be held to embrace only such insignia of rank or office or emblems, as may be worn upon the person or borne in the hand during public exercises of the society or institution, and shall not include articles of furniture or fixtures, or of regular wearing-apparel, nor personal property of individuals.

693. Rennets, raw or prepared.

694. Saffron and safflower, and extract of, and saffron cake.

695. Sago, crude, and sago flour.

696. Salacine.

697. Sauer-krout.

698. Sausage skins.

699. Seeds; anise, canary, caraway, cardamon, coriander, cotton, cummin, fennel, fenugreek, hemp, hoarhound, mustard, rape, Saint John's bread or bene, sugar-beet, mangel-wurzel, sorghum or sugar cane for seed, and all flower and grass seeds; bulbs and bulbous roots, not edible; all the foregoing not specially provided for in this act.

700. Selep, or saloup.

701. Shells of all kinds, not cut, ground, or otherwise manufactured.

702. Shotgun barrels, forged, rough bored.

703. Shrimps, and other shell fish.

704. Silk, raw, or as reeled from the cocoon, but not doubled, twisted, or advanced in manufacture in any way.

705. Silk cocoons and silk-waste.

706. Silk worm's eggs.

707. Skeletons and other preparations of anatomy.

708. Snails.

709. Soda, nitrate of, or cubic nitrate, and chlorate of.

710. Sodium.

711. Sparterre, suitable for making or ornamenting hats.

712. Specimens of natural history, botany, and mineralogy, when imported for cabinets or as objects of science, and not for sale.

SPICES—

713. Cassia, cassia vera, and cassia buds, unground.

714. Cinnamon, and chips of, unground.

715. Cloves and clove stems, unground.

716. Ginger-root, unground and not preserved or candied.

717. Mace.

718. Nutmegs.

719. Pepper, black or white, unground.

720. Pimento, unground.

721. Spunk.

722. Spurs and stilts used in the manufacture of earthen, porcelain, and stone ware.

723. Stone and sand: Burr-stone in blocks, rough or manufactured, and not bound up into mill-stones; cliff-stone, unmanufactured, pumice-stone, rotten-stone, and sand, crude or manufactured.

724. Storax, or styrax.

725. Strontia, oxide of, and protoxide of strontian, and strontianite, or mineral carbonate of strontia.

Spices.

726. Sugars, all not above number sixteen Dutch standard in color, all tank bottoms, all sugar drainings and sugar sweepings, sirups of cane juice, melada, concentrated melada, and concrete and concentrated molasses, and molasses.

727. Sulphur, lac or precipitated, and sulphur of brimstone, crude, in bulk, sulphur ore, as pyrites, or sulphuret of iron in its natural state, containing in excess of twenty-five per centum of sulphur (except on the copper contained therein) and sulphur not otherwise provided for.

728. Sulphuric acid which at the temperature of sixty degrees Fahrenheit does not exceed the specific gravity of one and three hundred and eighty thousandths, for use in manufacturing superphosphate of lime or artificial manures of any kind, or for any agricultural purposes.

729. Sweepings of silver and gold.

730. Tapioca, cassava or cassady.

731. Tar and pitch of wood, and pitch of coal-tar.

732. Tea and tea-plants.

733. Teeth, natural, or unmanufactured.

734. Terra alba.

735. Terra japonica.

736. Tin ore, cassiterite or black oxide of tin, and tin in bars, blocks, pigs, or grain or granulated, until July the first, eighteen hundred and ninety-three, and thereafter as otherwise provided for in this act.

737. Tinsel wire, lame, or lahn.

738. Tobacco stems.

739. Tonquin, tonqua, or tonka beans.

740. Tripoli.

741. Turmeric.

742. Turpentine, Venice.

743. Turpentine, spirits of.

744. Turtles.

745. Types, old, and fit only to be remanufactured.

746. Uranium, oxide and salts of.

747. Vaccine virus.

748. Valonia.

749. Verdigris, or subacetate of copper.

750. Wafers, unmedicated.

751. Wax, vegetable or mineral.

752. Wearing apparel and other personal effects (not merchandise) of persons arriving in the United States, but this exemption shall not be held to include articles not actually in use and necessary and appropriate for the use of such persons for the purposes of their journey and present comfort and convenience, or which are intended for any other person or persons, or for sale:

Provided, however, That all such wearing apparel and other personal effects as may have been once imported into the United States and subject to the payment of duty, and which may have been actually used and taken or exported to foreign countries by the persons returning therewith to the United States, shall, if not advanced in value or improved in condition by any means since their exportation from the United States, be entitled to exemption from duty, upon their identity being established, under such rules and regulations as may be prescribed by the Secretary of the Treasury.

753. Whalebone, unmanufactured.

754. Wood.—Logs, and round unmanufactured timber not specially enumerated or provided for in this act.

755. Fire wood, handle-bolts, heading-bolts, stave-bolts, and shingle-bolts, hop-poles, fence-posts, railroad ties, ship timber, and ship-planking, not specially provided for in this act.

FREE LIST.
Articles exempt from duty—continued
Par. 297, *ante*, p. 829.
§ 3, *post*, p. 857.

1888, March 2, ch. 64, *ante*, p. 893.
§ 3, *post*, p. 857.

Tin, until July 1, 1893.
Par. 209, *ante*, p. 837.

Wearing apparel, &c.

—taken abroad and returned.

Wood.

FREE LIST.

Articles exempt
from duty—con-
tinued.

756. Woods, namely, cedar, lignum-vitæ, lancewood, ebony, box, granadilla, mahogany, rosewood, satinwood, and all forms of cabinet-woods, in the log, rough or hewn; bamboo and rattan unmanufactured; briar-root or briar-wood, and similar wood unmanufactured, or not further manufactured than cut into blocks suitable for the articles into which they are intended to be converted; bamboo, reeds, and sticks of partridge, hair-wood, pimento, orange, myrtle, and other woods not otherwise specially provided for in this act, in the rough, or not further manufactured than cut into lengths suitable for sticks for umbrellas, parasols, sun-shades, whips, or walking-canes; and India malacca joints, not further manufactured than cut into suitable lengths for the manufactures into which they are intended to be converted.

Works of art,

757. Works of art, the production of American artists residing temporarily abroad, or other works of art, including pictorial paintings on glass, imported expressly for presentation to a national institution, or to any State or municipal corporation, or incorporated religious society, college, or other public institution, except stained or painted window-glass or stained or painted glass windows; but such exemption shall be subject to such regulations as the Secretary of the Treasury may prescribe.

Works of art for
temporary exhibi-
tion.

758. Works of art, drawings, engravings, photographic pictures, and philosophical and scientific apparatus brought by professional artists, lecturers, or scientists arriving from abroad for use by them temporarily for exhibition and in illustration, promotion, and encouragement of art, science, or industry in the United States, and not for sale, and photographic pictures, paintings, and statuary, imported for exhibition by any association established in good faith and duly authorized under the laws of the United States, or of any State, expressly and solely 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 may be imposed by law upon any and all of such articles as shall not be exported within six months after such importation: *Provided*, That the Secretary of the Treasury may, in his discretion, extend such period for a further term of six months in cases where applications therefor shall be made.

R. S., § 2512.

Bonded period.

Extension of
period.

Works of art for
permanent exhibi-
tion.

759. Works of art, collections in illustration of the progress of the arts, science, or manufactures, photographs, works in terra-cotta, parian, pottery, or porcelain, and artistic copies of antiquities in metal or other material hereafter imported in good faith for permanent exhibition at a fixed place by any society or institution established for the encouragement of the arts or of science, and all like articles imported in good faith by any society or association for the purpose of erecting a public monument, and not intended for sale, nor for any other purpose than herein expressed; but bonds shall be given under such rules and regulations as the Secretary of the Treasury may prescribe, for the payment of lawful duties which may accrue should any of the articles aforesaid be sold, transferred, or used contrary to this provision, and such articles shall be subject, at any time, to examination and inspection by the proper officers of the customs:

These privileges
not granted to
commercial asso-
ciations.

Provided. That the privileges of this and the preceding section shall not be allowed to associations or corporations engaged in or connected with business of a private or commercial character.

760. Yams.

761. Zaffer.

RECIPROCAL
TRADE PROVIS-
IONS.

President to sus-
pend free entry of

SEC. 3. That with a view to secure reciprocal trade with countries producing the following articles, and for this purpose, on and after the first day of January eighteen hundred and ninety-two, whenever, and so often as the President shall be satisfied that the Government

of any country producing and exporting sugars, molasses, coffee, tea, and hides, raw and uncured, or any of such articles, imposes duties or other exactions upon the agricultural or other products of the United States, which in view of the free introduction of such sugar, molasses, coffee, tea, and hides into the United States he may deem to be reciprocally unequal and unreasonable. he shall have the power and it shall be his duty to suspend, by proclamation to that effect, the provisions of this act relating to the free introduction of such sugar, molasses, coffee, tea, and hides, the production of such country, for such time as he shall deem just, and in such case and during such suspension duties shall be levied, collected, and paid upon sugar, molasses, coffee, tea, and hides, the product of or exported from such designated country as follows, namely:

All sugars not above number thirteen Dutch standard in color shall pay duty on their polariscopic tests as follows, namely:

All sugars not above number thirteen Dutch standard in color, all tank bottoms, sirups of cane juice or of beet juice, melada, concentrated melada, concrete and concentrated molasses, testing by the polariscope not above seventy-five degrees, seven-tenths of one cent per pound; and for every additional degree or fraction of a degree shown by the polariscopic test, two hundredths of one cent per pound additional.

All sugars above number thirteen Dutch standard in color shall be classified by the Dutch standard of color, and pay duty as follows, namely: All sugar above number thirteen and not above number sixteen Dutch standard of color, one and three-eighths cents per pound.

All sugar above number sixteen and not above number twenty Dutch standard of color, one and five-eighths cents per pound.

All sugars above number twenty Dutch standard of color, two cents per pound.

Molasses testing above fifty-six degrees, four cents per gallon.

Sugar drainings and sugar sweepings shall be subject to duty either as molasses or sugar, as the case may be, according to polariscopic test.

On coffee, three cents per pound.

On tea, ten cents per pound.

Hides, raw or uncured, whether dry, salted, or pickled, Angora goat-skins, raw, without the wool, unmanufactured, asses' skins, raw or unmanufactured, and skins, except sheep-skins, with the wool on, one and one-half cents per pound.

SEC. 4. That there shall be levied, collected, and paid on the importation of all raw or unmanufactured articles, not enumerated or provided for in this act, a duty of ten per centum ad valorem; and on all articles manufactured, in whole or in part, not provided for in this act, a duty of twenty per centum ad valorem.

SEC. 5. That each and every imported article, not enumerated in this act, which is similar, either in material, quality, texture, or the use to which it may be applied, to any article enumerated in this act as chargeable with duty shall pay the same rate of duty which is levied 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 on such non-enumerated article the same rate of duty as is chargeable on the article which it resembles paying the highest rate of duty; and on articles not enumerated, manufactured of two or more materials, the duty shall be assessed at the highest rate at which the same would be chargeable if composed wholly of the component material thereof of chief value;

certain articles from countries imposing duties, &c., on certain American agricultural, &c., products.

1891, Feb. 5, Proc. No. 16 (26 Stat. L. 1563).

Period of suspension.

Rates of duty during suspension.

Sugars. Pars. 237, 726, ante, pp. 829, 856.

Molasses.

Coffee.
Tea.

Par. 543, ante, p. 849. Par. 732, ante, p. 855.

Hides. Pars. 605, 607, ante, p. 851.

Duty on unenumerated articles. Raw. R. S., § 2516. Manufactured.

Unenumerated article to pay duty charged on similar article.

R. S., § 2499. If resembling two or more, to pay highest rate. 96 U. S., 128, 131. 108 U. S., 125. 11 Fed. Rep., 76. 16 Blatch., 216.

Ascertainment of values of component materials.

And the words "component material of chief value," wherever used in this act, shall be held to mean that component material which shall exceed in value any other single component material of the article; and the value of each component material shall be determined by the ascertained value of such material in its condition as found in the article. If two or more rates of duty shall be applicable to any imported article it shall pay duty at the highest of such rates.

Articles usually marked not admitted unless marked with country of origin.

SEC. 6. That on and after the first day of March, eighteen hundred and ninety-one, all articles of foreign manufacture, such as are usually or ordinarily marked, stamped, branded, or labeled, and all packages containing such or other imported articles, shall respectively, be plainly marked, stamped, branded, or labeled in legible English words, so as to indicate the country of their origin; and unless so marked, stamped, branded, or labeled they shall not be admitted to entry.

Articles simulating domestic trade-marks, &c., not admitted.
R. S., § 2496.

SEC. 7. That on and after March first, eighteen hundred and ninety-one, no article of imported merchandise which shall copy or simulate the name or trade-mark of any domestic manufacture or manufacturer, shall be admitted to entry at any custom-house of the United States.

Registry of trade-marks, &c., 1881, Mar. 3, ch. 133, ante, p. 322.

And in order to aid the officers of the customs in enforcing this prohibition any domestic manufacturer 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.

Materials for ship-building may be imported in bond, free.

SEC. 8. That all lumber, timber, hemp, manilla, wire rope, and iron and steel rods, bars, spikes, nails, plates, tees, angles, beams, and bolts and copper and composition metal which may be necessary for the construction and equipment of vessels built in the United States for foreign account and ownership or for the purpose of being employed in the foreign trade, including the trade between the Atlantic and Pacific ports of the United States, after the passage of this act, 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:

R. S., § 2513.

1884, June 26, ch. 121, §§ 16, 17, ante, p. 443.

1886, June 19, ch. 421, § 15, ante, p. 496.

15 Blatch., 26.

Coastwise trade.

Vessels built for foreign account, &c., not allowed in coastwise trade.

Provided, That vessels built in the United States for foreign account and ownership shall not be allowed to engage in the coastwise trade of the United States.

Articles for repairing American vessels in foreign trade, free.

R. S., § 2514.

SEC. 9. That all articles of foreign production needed for the repair of American vessels engaged in foreign trade, including the trade between the Atlantic and Pacific ports of the United States, may be withdrawn from bonded-warehouses free of duty, under such regulations as the Secretary of the Treasury may prescribe.

Preparations, &c., of domestic spirits may be manufactured for export in bonded warehouses.

R. S., § 3433.

1880, May 20, ch. 108, §§ 14, 15, ante, p. 288.

SEC. 10. That 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:

Bond.

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.

Removing goods.

Any manufacturer of the articles aforesaid, or 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 used in warehouse.

Articles and materials so to be used may be transferred from any bonded-warehouse in which the same may be, under such regulation 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 ship-board, 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 mark 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 bond 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.

Use of imported materials in bond.

SEC. 11. 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 such articles, whether imported separately or contained in packages with other goods entitled to entry, shall be admitted to entry; and all such articles shall be proceeded against, seized, and forfeited by due course of law. All such prohibited articles and the package in which they are contained 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, unless it appears to the satisfaction of the collector of customs that the obscene articles contained in the package were inclosed therein without the knowledge or consent of the importer, owner, agent, or consignee:

Supervision, &c.

Obscene books, articles to prevent conception, &c., not admitted.
R. S., § 2491,
1888, Sept. 26,
ch. 1039, § 2, ante,
p. 621.

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.

Forfeiture, &c.

Drugs in bulk excepted.

Penalty for United States officers aiding violation of law.

SEC. 12. That whoever, being an officer, agent, or employee 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 more than five thousand dollars, or by imprisonment at hard labor for not more than ten years, or both.

Seizure, &c., proceedings.
R. S., § 2492.

SEC. 13. That 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 two preceding sections 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 mentioned in the two preceding sections, 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 the case of municipal seizure, and with the same right of appeal or writ of error.

Machinery imported for repair, under bond, free.
R. S., § 2511.

SEC. 14. That 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.

Free entry of lumber, &c., from Saint John's River, Me.
R. S., § 2508.

SEC. 15. That 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 the 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.

Free entry of lumber, &c., from Saint Croix River, Me.
R. S., § 2509.

SEC. 16. That 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, 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.

Discriminating duty on goods in foreign vessels.
R. S., § 2502.
104 U. S., 345.

SEC. 17. That 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, or merchandise which shall be imported in vessels not of the United States;

—not to apply where treaty or law entitles to equal privileges.

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.

Importation of goods, &c., forbidden, except in American vessels

SEC. 18. That 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. 19. That 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. 20. That 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 section 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. 21. That any person convicted of a willful violation of any of the provisions of the preceding section shall be fined not exceeding five hundred dollars, or imprisoned not exceeding one year, or both, in the discretion of the Court.

SEC. 22. That upon the reimportation 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, except articles manufactured in bonded warehouses and exported pursuant to law, which shall be subject to the same rate of duty as if originally imported.

SEC. 23. That 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. 24. That the works of manufactures engaged in smelting or refining metals in the United States may be designated as bonded-warehouses under such regulations as the Secretary of the Treasury may prescribe: *Provided*, That such manufacturers shall first give satisfactory bonds to the Secretary of the Treasury.

Metals in any crude form requiring smelting or refining to make them readily available in the arts, imported into the United States to be smelted or refined and intended to be exported in a refined but unmanufactured state, shall, under such rules as the Secretary of

or those of country of origin.
R. S., § 2497.

Penalty.

Exception.
R. S., § 2498.

Importing neat cattle, &c., forbidden.

Suspension of prohibition when not diseased.

R. S., §§ 2493, 2494.

1890, Aug. 30, ch. 332, § 6, *ante*, p. 796.

Penalty for violation.

R. S., § 2495.

Duty on reimported domestic articles subject to internal tax.

R. S., § 2500.

Free entry of merchandise from abandoned sunken vessels after two years.

R. S., § 2507.

1880, June 14, ch.

211, *ante*, p. 296.

1882, Aug. 2, ch.

375, *post*, p. 369.

1887, Feb. 23, ch.

22, *ante*, p. 542.

1890, Sept. 19, ch. 907, § 8, *ante*, p. 802.

Smelting works

may be made

bonded ware-

houses.

Entry of crude

metals in bond for

smelting or refin-

ing.

Pars. 192-215,
ante, pp. 819, 827.

Quantity of re-
fined metal for ex-
port to be daily
set aside, equal to
metal imported.

Drawback upon
exportation of im-
ported materials.

If articles ex-
ported are partly
of domestic ma-
terials.

Drawbacks un-
der existing law
continued.

1880, March 10,
ch. 87, *ante*, p.
279.

Identification of
imported articles.

Special taxes of
tobacco dealers,
&c., repealed.
R. S., § 3244.

Registry requir-
ed.

R. S., §§ 3355,
3360.

1879, March 1, ch.
125, § 14, pp. 237,
238.

the Treasury may prescribe and under the direction of the proper officer, be removed in original packages or in bulk from the vessel or other vehicle on which it has been imported, or from the bonded-warehouse in which the same may be into the bonded-warehouse in which such smelting and refining may be carried on, for the purpose of being smelted and refined without payment of duties thereon, and may there be smelted and refined, together with other metals of home or foreign production:

Provided, That each day a quantity of refined metal equal to the amount of imported metal refined that day shall be set aside, and such metal so set aside shall not be taken from said works 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 the name of vessel or other vehicle by which it was imported, with such additional particulars as may from time to time be required, shall be received by the collector of customs as sufficient evidence of the exportation of the metal, or it may be removed, under such regulations as the Secretary of the Treasury may prescribe, to any other bonded-warehouse, or upon entry for, and payment of duties, for domestic consumption. All labor performed and services rendered under these regulations shall be under the supervision of an officer of the customs, to be appointed by the Secretary of the Treasury, and at the expense of the manufacturer.

SEC. 25. That where imported materials on which duties have been paid, are used in the manufacture of articles manufactured or produced in the United States, there shall be allowed on the exportation of such articles a drawback equal in amount to the duties paid on the materials used, less one per centum of such duties:

Provided, That when the articles exported are made in part from domestic materials, the imported materials, or the parts of the articles made from such materials shall so appear in the completed articles that the quantity or measure thereof may be ascertained.

And provided further, That the drawback on any article allowed under existing law shall be continued at the rate herein provided. That the imported materials used in the manufacture or production of articles entitled to drawback of customs duties when exported shall in all cases where drawback of duties paid on such materials is claimed, be identified, the quantity of such materials used and the amount of duties paid thereon shall be ascertained, the facts of the manufacture or production of such articles in the United States and their exportation therefrom shall be determined, and the drawback due thereon shall be paid to the manufacturer, producer, or exporter, to the agent of either or to the person to whom such manufacturer, producer, exporter or agent shall in writing order such drawback paid, under such regulations as the Secretary of the Treasury shall prescribe.

INTERNAL REVENUE. (1)

SEC. 26. That on and after the first day of May, eighteen hundred and ninety-one, all special taxes imposed by the laws now in force upon dealers in leaf tobacco, retail dealers in leaf tobacco, dealers in tobacco, manufacturers of tobacco, manufacturers of cigars, and peddlers of tobacco are hereby repealed:

Every such dealer in leaf tobacco, retail dealer in leaf tobacco, manufacturer, and peddler shall, however, 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, the same as though the tax had not been repealed, and a failure to

NOTE.—(1) The following part of this act supersedes all of 1883, March 3, ch. 121 (22 Stat. L., 488), relating to Internal Revenue, except that which is contained in this volume, *ante*, pp. 404, 405.

register as herein required shall subject such person to a penalty of fifty dollars.

SEC. 27. That all provisions of the statutes imposing restrictions of any kind whatsoever upon farmers and growers of tobacco in regard to the sale of their leaf tobacco, and the keeping of books, and the registration and report of their sales of leaf tobacco, or imposing any tax on account of such sales, are hereby repealed:

Restrictions on growers of tobacco repealed.
R. S., 3244, par. 6.

Provided, however, That 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 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 guilty of a misdemeanor, and shall be liable to a penalty not exceeding five hundred dollars.

Statement of sales, &c.
R. S., § 3361.

Penalty for false statements.

SEC. 28. That section thirty-three hundred and eighty-one of the Revised Statutes, be, and the same is hereby, amended by striking out all after the said number and substituting therefor the following:

Peddlers of tobacco.

“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 number of the street where he resides, the State or States through which he proposes to travel; 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 five hundred 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 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.”

Substitute for R. S., § 3381.
Statement to be made.

Bond.

SEC. 29. That section thirty-three hundred and eighty-three, Revised Statutes, as amended by section fifteen of the act of March first, eighteen hundred and seventy-nine, be, and the same is hereby, amended by striking out all of said section and by substituting in lieu thereof the following:

Peddlers' certificates.

“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, and the fact of his having filed the required bond; and shall on demand of any officer of internal revenue produce and exhibit his certificate. And whenever any peddler refuses to exhibit his certificate, 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, wagons, 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. Any internal-revenue agent may demand

Substitute for R. S., § 3383, as amended by (20 Stat. L., 346).

Certificates.

Penalty for refusing to exhibit certificate.

Inspection by agent.

Tobacco and snuff tax reduced.
R. S., § 3363.

Manufactured tobacco.
Substitute for R. S., § 3363.
Packages.

Cigars, how to be packed, &c.
Substitute for R. S., § 3392, as amended by 1879, March 1, ch. 125, § 16 (20 Stat. L., 347).

Sample boxes.

Retail sales.

Cigarettes, how packed and stamped.

—imported cigarettes.
Ante, par. 246, p. 830.

Collectors of internal revenue to keep record of manufacturers of tobacco and snuff.
Substitute for R. S., § 3357, and 1880, June 9, ch. 161, § 2 (21 Stat. L., 168).

production of and inspect the collector's certificate for peddlers, and refusal or failure to produce the same, when so demanded, shall subject the party guilty thereof to a fine of not more than five hundred dollars and to imprisonment for not more than twelve months."

SEC. 30. That on and after the first day of January, eighteen hundred and ninety-one, the internal taxes on smoking and manufactured tobacco shall be six cents per pound, and on snuff six cents per pound.

SEC. 31. That section thirty-three hundred and sixty-three of the Revised Statutes, be, and hereby is, amended by striking out all after said number and substituting the following:

"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 packages authorized by section thirty-three hundred and sixty-two of the Revised Statutes; 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. 32. That section thirty-three hundred and ninety-two of the Revised Statutes, as amended by section sixteen of the act of March first, eighteen hundred and seventy-nine, be and the same hereby is amended to read as follows:

"All cigars shall be packed in boxes not before used for that purpose, containing respectively twenty-five, fifty, one hundred, two hundred, two hundred and fifty, or five hundred cigars each:

Provided, however, That manufacturers of cigars shall be permitted to pack in boxes not before used for that purpose cigars not to exceed thirteen nor less than twelve in number, to be used as sample boxes; 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 or less than 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 offense not more than one thousand dollars, and be imprisoned not 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: (1)

And provided further, That every manufacturer of cigarettes shall put up all the cigarettes that he manufactures or has manufactured for him, and sells or removes for consumption or use, in packages or parcels containing ten, twenty, fifty, or one hundred cigarettes each, and shall securely affix to each of said packages or parcels a suitable stamp denoting the tax thereon, and shall properly cancel the same prior to such sale or removal for consumption or use, under such regulations as the Commissioner of Internal Revenue shall prescribe;

And all cigarettes imported from a foreign country shall be packed, stamped, and the stamps canceled in like manner, in addition to the import stamp indicating inspection of the custom-house before they are withdrawn therefrom.

SEC. 33. That section thirty-three hundred and fifty-seven, of the Revised Statutes, as amended by section two of the act of June ninth, eighteen hundred and eighty, be, and the same is amended, by striking out all after the number and inserting in lieu thereof the following:

"Every collector shall keep a record, in a book or books provided for that purpose, to be open to the inspection of only the proper

NOTE.—(1) Retail dealer's special tax is repealed by § 26, ante, p. 862. The law governing stamping and branding cigar boxes is found in the substitutes for R. S., §§ 3 93, 3397, contained in 1879, March 1, ch. 125, § 16, ante, pp. 240, 241, and in 1883, March 3, ch. 121, § 4, ante, p. 406.

officers of internal revenue, including deputy collectors and internal-revenue agents, 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 be thereafter changed, except for reasons satisfactory to himself and approved by the Commissioner of Internal Revenue."

SEC. 34. That section thirty-three hundred and eighty-nine of the Revised Statutes, as amended by section sixteen of the act of March first, eighteen hundred and seventy-nine, be, and the same is hereby amended so as to read as follows:

"Every collector shall keep a record, in a book provided for that purpose, to be open to the inspection of only the proper officers of internal revenue, including deputy collectors and internal-revenue agents, 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, and the number of the manufactory; and he shall enter in said record, under the name of each manufacturer an abstract of his inventory and monthly returns; and he shall cause the several manufacturers of cigars in the district to be numbered consecutively, which number shall not thereafter be changed."

SEC. 35. That section three thousand three hundred and eighty-seven of the Revised Statutes, as amended by section sixteen of the act of March first, one thousand eight hundred and seventy-nine, be, and the same is hereby amended, by striking from the said section the following words, namely: "five hundred dollars, with an additional one hundred dollars for each person proposed to be employed by him in making cigars," and inserting in lieu of the words so stricken out the words: "one hundred dollars."

SEC. 36. That an internal-revenue tax of ten dollars per pound shall be levied and collected upon all opium manufactured in the United States for smoking purposes;

And no person shall engage in such manufacture who is not a citizen of the United States and who has not given the bond required by the Commissioner of Internal Revenue

SEC. 37. That every manufacturer of such opium shall file with the collector of internal revenue of the district in which his manufactory is located such notices, inventories, and bonds, shall keep such books and render such returns of material and products, shall put up such signs and affix such number to his factory, and conduct his business under such surveillance of officers and agents as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may, by regulation, require. But the bond required of such manufacturer shall be with sureties satisfactory to the collector of internal revenue and in a penal sum of not less than five thousand dollars; 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 instructions of the Commissioner of Internal Revenue.

SEC. 38. That all prepared smoking opium imported into the United States shall, before removal from the custom-house, be duly stamped in such manner as to denote that the duty thereon has been paid; and that all opium manufactured in the United States for smoking purposes, before being removed from the place of manufactory, whether for consumption or storage, shall be duly stamped in such permanent manner as to denote the payment of the internal-revenue tax thereon.

—of cigar makers.
Substitute for
R. S., § 3359, as
amended by 1879,
March 1, ch. 125, §
16 (29 Stat. L.,
347).

Bond of cigar
manufacturers
reduced.
R. S., § 3687.
1879, March 1,
ch. 125, § 16, *ante*,
p. 240.

Tax on manu-
factured opium.

Manufacture by
aliens, prohibited.

Regulations of
opium factories.

Bond.

Stamps on opi-
um, imported or
domestic.
1887, Feb. 23, ch.
210, *ante*, p. 538.
Pars. 47, 48, 663,
ante, pp. 814, 853.

Tobacco stamp laws to apply to opium stamps.

SEC. 39. That the provisions of existing laws governing the engraving, issue, sale, accountability, effacement, cancellation, and destruction of stamps relating to tobacco and snuff, as far as applicable are hereby made to apply to stamps provided for by the preceding section.

Penalty for violation of opium provisions.

SEC. 40. That a penalty of not more than one thousand dollars, or imprisonment not more than one year, or both, in the discretion of the court shall be imposed for each and every violation of the preceding sections of this act relating to opium by any person or persons; and all prepared smoking opium wherever found within the United States without stamps required by this act shall be forfeited.

Dealers in oleomargarine to keep books, &c.

1886, Aug. 2, ch. 840, §§ 3, 20, *ante*, pp. 505, 509.

SEC. 41. That wholesale dealers in oleomargarine shall keep such books and render such returns in relation thereto as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may, by regulation, require, and such books shall be open at all times to the inspection of any internal-revenue officer or agent.

Producer of sweet wines, who is a distiller, may use wine spirits to fortify pure sweet wines for preservation, tax free.

SEC. 42. That any producer of pure sweet wines, who is also a distiller, authorized to separate from fermented grape-juice, under internal-revenue laws, wine spirits, may use, free of tax, in the preparation of such sweet wines, under such regulations and after the filing of such notices and bonds, together with the keeping of such records and the rendition of such reports as to materials and products, as the Commissioner of Internal Revenue with the approval of the Secretary of the Treasury may prescribe, so much of such wine spirits so separated by him as may be necessary to fortify the wine for the preservation of the saccharine matter contained therein:

Maximum strength.

Provided, That the wine spirits so used free of tax shall not be in excess of the amount required to introduce into such sweet wines in alcoholic strength equal to fourteen per centum of the volume of such wines after such use:

Forfeiture, if excessive strength.
R. S., § 3249.

Provided further, That such wine containing after such fortification more than twenty-four per centum of alcohol, as defined by section thirty-two hundred and forty-nine of the Revised Statutes, shall be forfeited to the United States:

Use limited to months named.

Provided further, That such use of wine spirits free from tax shall be confined to the months of August, September, October, November, December, January, February, March, and April of each year.

Distiller credited for spirits so used.
R. S., § 3309.

The Commissioner of Internal Revenue, in determining the liability of any distiller of fermented grape-juice to assessment under section thirty-three hundred and nine of the Revised Statutes, is authorized to allow such distiller credit in his computation for the wine spirits used by him in preparing sweet wine under the provisions of this section.

Definitions of "wine spirits" and "pure sweet wine."

1877, March 3, ch. 114, *ante*, p. 139.

SEC. 43. That the wine-spirits mentioned in section fifty-three (5) of this act is the product resulting from the distillation of fermented grape juice, and shall be held to include the product commonly known as grape brandy; and the pure sweet wine which may be fortified free of tax, as provided in said section, is fermented grape-juice only, and shall contain no other substance of any kind whatever introduced before, at the time of, or after fermentation, and such sweet wine shall contain not less than four per centum of saccharine matter, which saccharine strength may be determined by testing, with Balling's saccharometer or must-scale, such sweet-wine, after the evaporation of the spirit contained therein, and restoring the sample tested to original volume by addition of water.

Tests.

Penalty for unlawfully using wine spirits.

SEC. 44. That any person who shall use wine spirits, as defined by section fifty-four (6) of this act, or other spirits on which the internal-revenue tax has not been paid, otherwise than within the limitations set forth in section fifty-five (5) of this act, and in accordance with

NOTES.—(5) Apparently an error for "forty-two."
(6) Apparently an error for "forty-three."

the regulations made pursuant to this act, shall be liable to a penalty of double the amount of the tax on the wine spirits or other spirits so unlawfully used. Whenever it is impracticable in any case to ascertain the quantity of wine spirits or other spirits that have been used in violation of this act in mixtures with any wines, all alcohol contained in such unlawful mixtures of wine with wine spirits or other spirits in excess of ten per centum shall be held to be unlawfully used:

Provided, however, That if water has been added to such unlawful mixtures, either before, at the time of, or after such unlawful use of wine spirits or other spirits, all the alcohol contained therein shall be considered to have been unlawfully used. In reference to alcoholic strength of wines and mixtures of wines with spirits in this act the measurement is intended to be according to volume and not according to weight.

SEC. 45. That under such regulations and official supervision, and upon the execution of such entries and the giving of such bonds, bills of lading, and other security as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe, any producer of pure sweet wines as defined by this act may withdraw wine spirits from any special bonded warehouse free of tax, in original packages, in any quantity not less than eighty wine-gallons, and may use so much of the same as may be required by him, under such regulations, and after the filing of such notices and bonds, and the keeping of such records, and the rendition of such reports as to materials and products and the disposition of the same as the Commissioner of Internal Revenue with the approval of the Secretary of the Treasury shall prescribe, in fortifying the pure sweet wines made by him, and for no other purpose, in accordance with the limitations and provisions as to uses, amount to be used, and period for using the same set forth in section fifty-three (7) of this act; and the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, is authorized, whenever he shall deem it to be necessary for the prevention of violations of this law, to prescribe that wine-spirits withdrawn under this section shall not be used to fortify wines except at a certain distance prescribed by him from any distillery, rectifying-house, winery, or other establishment used for producing or storing distilled spirits, or for making or storing wines other than wines which are so fortified, and that in the building in which such fortification of wines is practiced no wines or spirits other than those permitted by his regulation shall be stored.

The use of wine-spirits free of tax for the fortification of sweet wines under this act shall be begun and completed at the vineyard of the wine-grower where the grapes are crushed and the grape juice is expressed and fermented, such use to be under the immediate supervision of an officer of internal revenue, who shall make returns describing the kinds and quantities of wine so fortified, and shall affix such stamps and seals to the packages containing such wines as may be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury; and the Commissioner of Internal Revenue shall provide by regulations the time within which wines so fortified with the wine spirits so withdrawn may be subject to inspection, and for final accounting for the use of such wine-spirits and for rewarehousing or for payment of the tax on any portion of such wine spirits which remain not used in fortifying pure sweet wines.

SEC. 46. That wine-spirits may be withdrawn from special bonded warehouses at the instance of any person desiring to use the same to fortify any wines, in accordance with commercial demands of foreign markets, when such wines are intended for exportation, with-

Addition of water.

Measure of a. alcoholic strength.

Producer of sweet wines may withdraw wine spirits from warehouse for fortifying, free of tax.

Use of wine-spirits limited to vineyard where wines are made.

Withdrawal of wine-spirits for fortifying wines for exportation.

out the payment of tax on the amount of wine spirits used in such fortification, 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 to prevent the use of such wine-spirits free of tax otherwise than in the fortification of wine intended for exportation, and for the due exportation of the wine so fortified, as may be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury; and all of the provisions of law governing the exportation of distilled spirits free of tax, so far as applicable, shall apply to the withdrawal and use of wine-spirits and the exportation of the same in accordance with this section; and the Commissioner of Internal Revenue is authorized, subject to approval by the Secretary of the Treasury, to prescribe that wine spirits intended for the fortification of wines under this section shall not be introduced into such wines except under the immediate supervision of an officer of internal revenue, who shall make returns describing the kinds and quantities of wine so fortified, and shall affix such stamps and seals to the packages containing such wines as may be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury.

Place for fortifying wines for exportation.

Whenever such wine-spirits are withdrawn as provided herein for the fortification of wines intended for exportation by sea they shall be introduced into such wines only after removal from storage and arrival alongside of the vessel which is to transport the same; and whenever transportation of such wines is to be effected by land carriage the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe such regulations as to sealing packages and vehicles containing the same, and as to the supervision of transportation from the point of departure, which point shall be determined as the place where such wine-spirits may be introduced into such wines to the point of destination as may be necessary to insure the due exportation of such fortified wines.

Re-importation of domestic wines exported.

§ 22, *ante*, p. 861.

SEC. 47. That all provisions of law relating to the re-importation of any goods of domestic growth or manufacture which were originally liable to an internal-revenue tax shall be, as far as applicable, enforced against any domestic wines sought to be re-imported; and duty shall be levied and collected upon the same when re-imported, as an original importation.

Penalty for illegally using wine-spirits, not tax-paid.

SEC. 48. That any person using wine spirits or other spirits which have not been tax-paid in fortifying wine otherwise than as provided for in this act, shall be guilty of a misdemeanor, and shall, on conviction thereof, be punished for each offense by a fine of not more than two thousand dollars, and for every offense other than the first also by imprisonment for not more than one year.

Recovery of wine-spirits from fortified wines.

SEC. 49. That wine spirits used in fortifying wines may be recovered from such wine only on the premises of a duly authorized grape-brandy distiller; and for the purpose of such recovery wines so fortified may be received as material on the premises of such a distiller, on a special permit of the collector of internal revenue in whose district the distillery is located; and the distiller will be held to pay the tax on a product from such wines as will include both the alcoholic strength therein produced by the fermentation of the grape-juice and that obtained from the added distilled spirits.

SEC. 50. [*Temporary;—duties on goods imported when act goes into effect.*]

Manufactures of convict labor not entitled to entry.

1888, June 13, ch. 389, note, *ante*, p. 590.

SEC. 51. That all goods, wares, articles, and merchandise manufactured wholly or in part in any foreign country by convict labor, shall not be entitled to entry at any of the ports of the United States, and the importation thereof is hereby prohibited, and the Secretary of the Treasury is authorized to prescribe such regulations as may be necessary for the enforcement of this provision.

SEC. 52. That 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 quarterly by the Director of the Mint, and be proclaimed by the Secretary of the Treasury immediately after the passage of this act and thereafter quarterly on the first day of January, April, July and October in each year.

Value of foreign coin to be estimated and proclaimed quarterly.

R. S., §§ 2688, 3564.

102 U. S., 612.

115 U. S., 27.

8 Fed. R., 468.

18 Opin., 322.

Special taxes to date from July 1, in each year.

R. S., § 3287.

1866, Aug. 2, ch.

840, § 3, *ante*, p. 505.

SEC. 53. That all special taxes shall become due on the first day of July, eighteen hundred and ninety-one, and on the first day of July in each year thereafter, 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 July following.

* * [Part omitted has expired.] * *

And it shall be the duty of special tax payers to render their returns to the deputy collector at such times within the calendar month in which the special tax liability commenced as shall enable him to receive such returns, duly signed and verified, not later than the last day of the month, except in cases of sickness or absence, as provided for in section three thousand one hundred and seventy-six of the Revised Statutes.

Returns of special tax-payers.

R. S., § 3176.

SEC. 54. That section twenty of the act entitled "An act to simplify the laws in relation to the collection of revenues," approved June tenth, eighteen hundred and ninety, is hereby amended to read as follows:

Merchandise withdrawn from bonded warehouse to pay rate due at withdrawal.

Substitute for 1890, June 10, ch. 407, § 20 (26 Stat. L., 140), *ante*, p. 751.

Perishables and explosives.

"**SEC. 20.** That any merchandise deposited in bond in any public or private bonded-warehouse may be withdrawn for consumption within three years 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:

Provided, That nothing herein shall affect or impair existing provisions of law in regard to the disposal of perishable or explosive articles."

Repeal.

SEC. 55. That all laws and parts of laws inconsistent with this act are hereby repealed:

Provided, however, That the repeal of existing laws, or modifications thereof, embraced in this act shall not affect any act done or any right accruing or accrued, or any suit or proceeding had or commenced in any civil cause before the said repeal or modifications, but all rights and liabilities under said laws shall continue and may be enforced in the same manner as if said repeal or modification had not been made.

Existing rights, liabilities, &c., not affected.

Any offenses committed, and all penalties or forfeitures or liabilities incurred under any statute embraced in, or changed, modified, or repealed by this act may be prosecuted and punished, in the same manner and with the same effect as if this act had not been passed.

Offenses, penalties, forfeitures, and liabilities.

All acts of limitation, whether applicable to civil causes and proceedings or to the prosecution of offenses, or for the recovery of penalties or forfeitures, embraced in, or modified, changed, or repealed by this act, shall not be affected thereby, and all suits, proceedings, or prosecutions, whether civil or criminal, for causes arising or acts done or committed prior to the passage of this act may be commenced and prosecuted within the same time and with the same effect as if this act had not been passed. [October 1st, 1890.]

Limitations.

October 1, 1890. CHAP. 1246.—An act to provide for the incorporation of trust, loan, mortgage, and certain other corporations within the District of Columbia.

26 Stat. L., 625.

Corporations in D. C. authorized.
R.S. of D. C., § 552.
—number of corporators.

Be it enacted, &c., That corporations may be formed within the District of Columbia for the purposes hereinafter mentioned in the following manner:

Any time hereafter any number of natural persons, citizens of the United States, not less than twenty-five, may associate themselves together to form a company for the purpose of carrying on in the District of Columbia any one of the three classes of business herein specified, to wit:

—for safe deposit, &c., business.

First. A safe deposit, trust, loan, and mortgage business.

—title insurance.

Second. A title insurance, loan, and mortgage business.

—security, &c.
1882, May 17, ch. 157, ante, p. 343.

Third. A security, guaranty, indemnity, loan, and mortgage business:

Minimum capital.

Provided, That the capital stock of any of said companies shall not be less than one million of dollars:

Storage business.

Provided further, That any of said companies may also do a storage business when their capital stock amounts to the sum of not less than one million two hundred thousand dollars.

Organization certificate.

SEC. 2. That such persons shall, under their hands and seals, execute, before some officer in said District competent to take the acknowledgment of deeds, an organization certificate, which shall specifically state—

—what to state.

First. The name of the corporation.

Second. The purposes for which it is formed.

Third. The term for which it is to exist, which shall not exceed the term of fifty years, and be subject to the alteration, amendment, or repeal by Congress at any time.

Fourth. The number of its directors, and the names and residences of the officers who for the first year are to manage the affairs of the company.

Fifth. The amount of the capital stock and its subdivision into shares.

Discretionary power of Commissioners to charter.

SEC. 3. That this certificate shall be presented to the Commissioners of the District, who shall have power and discretion to grant or to refuse to said persons a charter of incorporation upon the terms set forth in the said certificate and the provisions of this act.

Advertisement of intention to organize, &c.

SEC. 4. That previous to the presentation of the said certificate to the said Commissioners notice of the intention to apply for such charter shall be inserted in two newspapers of general circulation printed in the District of Columbia at least four times a week for three weeks, setting forth briefly the name of the proposed company, its character and object, the names of the proposed corporators, and the intention to make application for a charter on a specified day, and the proof of such publication shall be presented with said certificate when presentation thereof is made to said Commissioners.

Charter to be filed and recorded.

SEC. 5. That if the charter be granted as aforesaid it, together with the certificate of the Commissioners granting the same indorsed thereon, shall be filed for record in the office of the recorder of deeds for the District of Columbia, and shall be recorded by him.

Organization.

On the filing of the said certificate with the said recorder of deeds as herein provided, approved as aforesaid by the said Commissioners, the persons named therein and their successors shall thereupon and thereby be and become a body corporate and politic, and as such shall be vested with all the powers and charged with all the liabilities conferred upon and imposed by this act upon companies organized under the provisions hereof:

Certificate from Comptroller of Currency.

Provided, however, That no corporation created and organized under the provisions hereof, or availing itself of the provisions hereof as provided in section eleven, shall be authorized to trans-

act the business of a trust company, or any business of a fiduciary character, until it shall have filed with the Comptroller of the Currency a copy of its certificate of organization and charter, and shall have obtained from him and filed the same for record with the said recorder of deeds a certificate that the capital stock of said company has been paid in, and the deposit of securities made with said Comptroller in the manner and to the extent required by this act.

SEC. 6. That all companies organized hereunder, or which shall under the provisions hereof become entitled to transact the business of a trust company, shall report to the Comptroller of the Currency in the manner prescribed by sections fifty-two hundred and eleven, fifty-two hundred and twelve, and fifty-two hundred and thirteen; Revised Statutes of the United States, in the case of national banks, and all acts amendatory thereof or supplementary thereto, and with similar provisions for compensating examiners, and shall be subject to like penalties for failure to do so.

The Comptroller shall have and exercise the same visitorial powers over the affairs of the said corporation as is conferred upon him by section fifty-two hundred and forty of the Revised Statutes of the United States in the case of national banks.

He shall also have power, when in his opinion it is necessary, to take possession of any such company for the reasons and in the manner and to the same extent as are provided in the laws of the United States with respect to national banks.

SEC. 7. That all companies organized under this act are hereby declared to be corporations possessed of the powers and functions of corporations generally, and shall have power,

First. To make contracts.

Second. To sue and be sued, implead and be impleaded, in any court as fully as natural persons.

Third. To make and use a common seal and alter the same at pleasure.

Fourth. To loan money.

Fifth. When organized under subdivision one of the first section of this act to accept and execute trusts of any and every description which may be committed or transferred to them, and to accept the office and perform the duties of receiver, assignee, executor, administrator, guardian of the estates of minors, with the consent of the guardian of the person of such minor, and committee of the estates of lunatics and idiots whenever any trusteeship or any such office or appointment is committed or transferred to them, with their consent, by any person, body politic or corporate, or by any court in the District of Columbia, and all such companies organized under the first subdivision of section one of this act are further authorized to accept deposits of money for the purposes designated herein upon such terms as may be agreed upon from time to time with depositors, and to act as agent for the purpose of issuing or countersigning the bonds or obligations of any corporation, association, municipality, or State, or other public authority, and to receive and manage any sinking fund on any such terms as may be agreed upon,

And shall have power to issue its debenture bonds upon deeds of trust or mortgages of real estate to a sum not exceeding the face value of said deeds of trust or mortgages, and which shall not exceed fifty per centum of the fair cash value of the real estate covered by said deeds or mortgages, to be ascertained by the Comptroller of the Currency.

But no debenture bonds shall be issued until the securities on which the same are based have been placed in the actual possession of the trustee named in the debenture bonds, who shall hold said securities until all of said bonds are paid;

And when organized under the second subdivision of the first section of this act said company is authorized to insure titles to real

Trust companies to report to Comptroller of Currency.
R. S., §§ 5311-5313.

Comptroller of Currency may examine such companies.
R. S., § 5240.
— and, if necessary, take possession.
R. S., § 5294.

Corporate powers.

Trust companies.

—may issue bonds, &c.

Securities to be deposited with trustees.

Real estate title insurance companies.

estate and to transact generally the business mentioned in said subdivision;

Security and guaranty companies.

And when organized under the third subdivision of section one of this act said company is hereby authorized, in addition to the loan and mortgage business therein mentioned, to secure, guaranty, and insure individuals, bodies politic, associations, and corporations against loss by or through trustees, agents, servants, or employees, and to guaranty the faithful performance of contracts and of obligations of whatever kind entered into by or on the part of any person or persons, association, corporation or corporations, and against loss of every kind:

Liability as trustees to account for profits.

Provided, That any corporation formed under the provisions of this act when acting as trustee shall be liable to account for the amounts actually earned by the moneys held by it in trust in addition to the principal so held;

Compensation.

But such corporation may be allowed a reasonable compensation for services performed in the care of the trust estate.

Appointment by court as trustee, &c.

SEC. 8. That in all cases in which application shall be made to any court in the District of Columbia, or wherever it becomes necessary or proper for said court to appoint a trustee, receiver, administrator, guardian of the estate of a minor, or committee of the estate of a lunatic, it shall and may be lawful for said court (but without prejudice to any preference in the order of any such appointments required by (1) existing law) to appoint any such company organized under the first subdivision of section one of this act, with its assent, such trustee, receiver, administrator, committee, or guardian, with the consent of the guardian of the person of such minor:

Judge not to appoint company in which he is interested.

Provided, however, That no court or judge who is an owner of or in any manner financially interested in the stock or business of such corporation shall commit by order or decree to any such corporation any trust or fiduciary duty.

Oath to be taken by officer.

SEC. 9. That whenever any corporation operating under this act shall be appointed such trustee, executor, administrator, receiver, assignee, guardian, or committee as aforesaid, the president, vice-president, secretary, or treasurer of said company shall take the oath or affirmation now required by law to be made by any trustee, executor, receiver, assignee, guardian, or committee.

Liability of company when appointed trustee, &c.,

SEC. 10. That when any court shall appoint the said company a trustee, receiver, administrator, or such guardian, or committee, or shall order the deposit of money or other valuables with said company, or where any individual or corporation shall appoint any of said companies a trustee, executor, assignee, or such guardian the capital stock of said company subscribed for or taken, and all property owned by said company, together with the liability of the stockholders and officers as herein provided, shall be taken and considered as the security required by law for the faithful performance of its duties, and shall be absolutely liable in case of any default whatever.

Existing companies may organize under this act.

SEC. 11. That any safe deposit company, trust company, surety or guaranty company, or title insurance company, now incorporated and operating under the laws of the United States or of the District of Columbia, or any of the States, and now doing business in said District, may avail itself of the provisions of this act on filing in the office of the recorder of deeds of the District of Columbia, or with the Comptroller of the Currency, a certificate of its intention to do so, which certificate shall specify which one of the three classes of business set out in section one it will carry on, and shall be verified by the oath of its president to the effect that it has in every respect complied with the requirements of existing law, especially with the provisions of this act; that its capital stock is paid in as provided in section twenty-one of this act and is not impaired, and thereafter such company may exercise all powers and perform all

Certificate to be filed.

duties authorized by any one of the subdivisions of section one of this act in addition to the powers now lawfully exercised by such company.

SEC. 12. That any company operating under this act may lease, purchase, hold, and convey real estate, not exceeding in value five hundred thousand dollars, and such in addition as it may acquire in satisfaction of debts due the corporation, under sales, decrees, judgments and mortgages.

But no such association shall hold the possession of any real estate under foreclosure of mortgage, or the title and possession of any real estate purchased to secure any debts due to it, for a longer period than five years.

SEC. 13. That the charters for incorporations named in this act may be made perpetual, or may be limited in time by their provisions, subject to the approval of Congress.

SEC. 14. That the capital stock of every such company shall be at least one million dollars, and at least fifty per centum thereof must have been paid in, in cash or by the transfer of assets as hereinafter provided in section twenty-one of this act, before any such company shall be entitled to transact business as a corporation, except with its own members,

And before any company organized hereunder shall be entitled to transact the business of a trust company, or to become and act as an administrator, executor, guardian of the estate of a minor, or undertake any other kindred fiduciary duty, it shall deposit, either in money or in bonds, mortgages, deed of trust, or other securities equal in actual value to one-fourth of the capital stock paid in, with the Comptroller of the Currency, to be kept by him upon the trust and for the purposes hereinafter provided;

And the said Comptroller may from time to time require an additional deposit from any such company, to be held upon and for the same trust and purposes, not exceeding, however, in value one-half the paid-in capital stock;

And the said Comptroller shall not issue to any corporation the certificate heretofore provided for until said deposit with him of securities required by this section.

Within one year after the organization of any corporation under the provisions of this act, or after any corporation heretofore existing shall have availed itself of the powers and rights given by this act in the manner herein provided for, its entire capital stock shall have been paid in.

SEC. 15. That the capital stock of every such company shall be divided into shares of one hundred dollars each.

It shall be lawful for such company to call for and demand from the stockholders, respectively, all sums of money by them subscribed, at such time and in such proportions as its board of directors shall deem proper, within the time specified in section fourteen, and it may enforce payment by all remedies provided by law;

And if any stockholder shall refuse or neglect to pay any installment as required by a resolution of the board of directors, after thirty days' notice of the same, the said board of directors may sell at public auction, to the highest bidder, so many shares of said stock as shall pay said installment, under such general regulations as may be adopted in the by-laws of said company, and the highest bidder shall be taken to be the person who offers to purchase the least number of shares for the assessment due.

SEC. 16. That every such company shall annually, within twenty days after the first of January of each year, make a report to the Comptroller of the Currency, which shall be published in a newspaper in the District,

Which shall state the amount of capital and of the proportion actually paid, the amount of debts, and the gross earnings for the year

Real estate to be held, maximum, \$500,000, &c.

—purchased under foreclosure &c., not to be held over 5 years.

Duration of charters.

Capital stock, at least \$1,000,000, how paid.

Securities to be deposited with Comptroller of the Currency.

—additional when required.

—certificate not to issue until deposit of.

Capital stock to be paid in within 1 year from organization.

Shares of stock.

Assessments.

—sale for arrears of.

Annual report.

—contents.

ending December thirty-first then next previous, together with their expenses, which report shall be signed by the president and a majority of the directors or trustees, and shall be verified by the oath of the president, secretary, and at least three of the directors or trustees; And said company shall pay to the District of Columbia, in lieu of personal taxes for each next ensuing year, one and a half per centum of its gross earnings for the preceding year, shown by said verified statement, which amount shall be payable to the collector of taxes at the times and in the manner that other taxes are payable.

SEC. 17. That if any company fails to comply with the provisions of the preceding section, all the directors or trustees of such company shall be jointly and severally liable for the debts of the company then existing, and for all that shall be contracted before such report shall be made :

Provided, That in case of failure of the company in any year to comply with the provisions of section sixteen of this act, and any of the directors shall, on or before January fifteenth of such year, file his written request for such compliance with the secretary of the company, the Comptroller of the Currency, and the recorder of deeds of the District of Columbia, such director shall be exempt from the liability prescribed in this section.

SEC. 18. That any wilful false swearing in regard to any certificate or report or public notice required by the provisions of this act shall be perjury and shall be punished as such according to the laws of the District of Columbia.

And any misappropriation of any of the money of any corporation or company formed under this act, or any money, funds, or property intrusted to it, shall be held to be larceny, and shall be punished as such under the laws of said District.

SEC. 19. That the stock of such company shall be deemed personal estate, and shall be transferable only on the books of such company in such manner as shall be prescribed by the by-laws of the company; but no shares shall be transferable until all previous calls thereon shall have been fully paid,

And the said stock shall not be taxable, in the hands of individual owners, the tax on the capital stock, gross earnings of the company hereinbefore provided being in lieu of other personal tax.

All certificates of the stock of any company organized under this act shall show upon their face the par value of each share and the amount paid thereon.

SEC. 20. That all stockholders of every company incorporated under this act, or availing itself of its provisions under section eleven shall be severally and individually liable to the creditors of such company to an amount equal to and in addition to the amount of stock held by them, respectively, for all debts and contracts made by such company.

SEC. 21. That nothing but money shall be considered as payment of any part of the capital stock, except that in the case of any company now doing business in the District of Columbia in any of the classes herein provided for, or under any act of Congress or by virtue of the laws of any of the States, and which company has actually received full payment in money of at least fifty per centum of the capital stock required by this act and which company desires to obtain a charter under this act, all the assets or property may be received and considered as money, at a value to be appraised and fixed by the Comptroller of the Currency :

Provided, That all such assets and property are also transferred to and are thereafter owned by the company organized under this act.

SEC. 22. That the stock, property, and concerns of such company shall be managed by not less than nine nor more than thirty directors or trustees, who shall, respectively, be stockholders and at least one-half residents and citizens of the District of Columbia, and shall,

Tax, 1½ per cent. of gross earnings.

Officers to be liable on failure to report.

—unless they request compliance.

False swearing as to certificate, &c., punishable as perjury.

R. S. of D. C., § 1156.

Misappropriations punishable as larceny.

R. S. of D. C., §§ 1158-1162.

Stock deemed personal property. —transfers.

—not taxable.

—certificates to show par value, &c.

Stockholders to be liable to amount of stock.

Nothing but money a payment on stock, except, &c.

Directors to be from 9 to 30—qualifications—to be annually elected.

except the first year, be annually elected by the stockholders at such time and place and after such published notice as shall be determined by the by-laws of the company, and said directors or trustees shall hold until their successors are elected and qualified.

SEC. 23. That there shall be a president of the company, who shall be a director, also a secretary and a treasurer, all of whom shall be chosen by the directors or trustees:

Officers.

Provided, That only one of the above-named offices shall be held by the same person at the same time.

Only one office may be held.

Subordinate officers may be appointed by the directors or trustees, and all such officers may be required to give such security for the faithful performance of the duties of their office as the directors or trustees may require.

Subordinate officers to give security.

SEC. 24. That the directors or trustees shall have power to make such by-laws as they deem proper for the management or disposal of the stock and business affairs of such company, not inconsistent with the provisions of this act, and prescribing the duties of officers and servants that may be employed, for the appointment of all officers, and for carrying on all kinds of business within the objects and purposes of such company.

By-laws

SEC. 25. That if the directors or trustees of any company shall declare or pay any dividend, the payment of which would render it insolvent, or which would create a debt against such company, they shall be jointly and severally liable as guarantors for all of the debts of the company then existing, and for all that shall be thereafter contracted, while they shall, respectively, remain in office.

Directors, &c., to be liable for wrongfully declaring dividend.

SEC. 26. That if any of the directors or trustees shall object to declaring such dividend or the payment of the same, and shall at any time before the time fixed for the payment thereof file a certificate of their objection in writing with the secretary of the company and with the recorder of deeds of the District they shall be exempt from liability prescribed in the preceding section.

—objecting, to be exempt.

SEC. 27. That if the liabilities of any company shall at any time exceed the amount of the fair cash value of the assets, the directors or trustees of such company assenting thereto shall be personally and individually liable for such excess to the creditors of the company after the additional liability of the stockholders has been enforced.

Directors, &c., personally liable for excess of liabilities over assets.

SEC. 28. That no person holding stock in such company as executor, administrator, guardian, or trustee shall be personally subject to any liability as stockholder of such company,

Executors, &c., holding stock, not personally liable.

But the estate and funds in the hands of such executor, administrator, guardian, or trustee shall be liable in like manner and to the same extent as the testator or the intestate or the ward or the person interested in such trust fund would have been if he had been living and competent to act and hold the stock in his own name.

—estate liable.

SEC. 29. That any corporation which may be formed under this chapter may increase its capital stock by complying with the provisions of this chapter to any amount which may be deemed sufficient and proper for the purposes of the corporation.

Capital stock may be increased.

SEC. 30. That a copy of any certificate of incorporation filed in pursuance of this chapter, certified by the recorder of deeds to be a true copy and the whole of such certificate, shall be received in all courts and places as presumptive legal evidence of the facts therein stated.

Certified copy of certificate, presumptive evidence of contents.
§ 5, ante, p. 870.

SEC. 31. That no bond or other collateral security, except as hereinafter stated, shall be required from any trust company incorporated under this act for or in respect to any trust, nor when appointed trustee, guardian, receiver, executor, or administrator, with or without the will annexed, committee of the estate of a lunatic or idiot, or other fiduciary appointment;

No bond required of company when appointed trustee, &c.

But the capital stock subscribed for or taken, and all property owned by said company and the amount for which said stockholders

Capital stock, &c., considered security.

shall be liable in excess of their stock, shall be taken and considered as the security required by law for the faithful performance of its duties and shall be absolutely liable in case of any default whatever; And in case of the insolvency or dissolution of said company the debts due from the said company as trustee, guardian, receiver, executor, or administrator, committee of the estate of lunatics, idiots, or any other fiduciary appointment, shall have a preference.

Preferences in case of insolvency, &c.

Supreme court, District of Columbia may make orders as to accounts, &c.

SEC. 32. That the supreme court of the District of Columbia, or any justice thereof, shall have power to make orders respecting such company whenever it shall have been appointed trustee, guardian, receiver, executor, or administrator with or without the will annexed, committee of the estate of a lunatic, idiot, or any other fiduciary, and require the said company to render all accounts which might lawfully be made or required by any court or any justice thereof if such trustee, guardian, receiver, executor, administrator with or without the will annexed, committee of the estate of a lunatic or idiot, or fiduciary were a natural person.

—may examine affairs of companies.

And said court, or any justice thereof, at any time, on application of any person interested, may appoint some suitable person to examine into the affairs and standing of such companies, who shall make a full report thereof to the court,

—may require security, &c.

And said court, or any justice thereof, may at any time, in his discretion, require of said company a bond with sureties or other securities for the faithful performance of its obligations, and such sureties or other security shall be liable to the same extent and in the same manner as if given or pledged by a natural person.

State corporations doing business in D. C. to comply with this act.

SEC. 33. That no corporation or company organized by virtue of the laws of any of the States of this Union and having its principal place of business within the District of Columbia, shall carry on, in the District of Columbia, any of the kinds of business named in this act without strict compliance in all particulars with the provisions of this act for the government of such corporations formed under it,

Punishment for violation.

And each one of the officers of the corporation or company so offending shall be punished by fine not exceeding one thousand dollars, or imprisonment in some State's prison not exceeding one year, or by both fine and imprisonment, in the discretion of the court.

This section shall not take effect till six months after the approval of this act.

Amendment.

SEC. 34. That Congress may at any time alter, amend, or repeal this act, but any such amendment or repeal shall not, nor shall the dissolution of any company formed under this act, take away or impair any remedy given against such corporation, its stockholders or officers, for any liability or penalty which shall have been previously incurred:

Trustees, &c., of funds, &c., outside District, not to be appointed.

Provided, That the courts of the District of Columbia shall not have power to appoint any trustee, trustees, guardians, receivers, or other trustee of a fund or property located outside of the District of Columbia, or belonging to a corporation or person having a legal residence or location outside of said District. [October 1, 1890.]

Oct. 1, 1890.

26 Stat. L., 645.

Duties of Sergeant-at-Arms of House of Representatives—his duties.

R. S., §§ 53, 72.

CHAP. 1256.—An act defining certain duties of the Sergeant-at-Arms of the House of Representatives, and for other purposes.

Be it enacted, &c., That it shall be the duty of the Sergeant-at-Arms of the House of Representatives to attend the House during its sittings, to maintain order under the direction of the Speaker, and, pending the election of a Speaker or Speaker pro tempore, under the direction of the Clerk, execute the commands of the House and all processes issued by authority thereof, directed to him by the Speaker, keep the accounts for the pay and mileage of members and delegates, and pay them as provided by law.

SEC. 2. That the symbol of his office shall be the mace, which shall be borne by him while enforcing order on the floor. — symbol of office.

SEC. 3. That the moneys which have been, or may be, appropriated for the compensation and mileage of members and delegates shall be paid at the Treasury on requisitions drawn by the Sergeant-at-Arms of the House of Representatives, and shall be kept, disbursed, and accounted for by him according to law, and he shall be a disbursing officer, but he shall not be entitled to any compensation additional to the salary now fixed by law. — moneys for compensation and mileage to be disbursed by.
1882, June 22, ch. 236, ante, p. 348.
25 C. Cls., 204.

SEC. 4. That the Sergeant-at-Arms shall, within twenty days after entering upon the duties of his office, and before receiving any portion of the moneys appropriated for the compensation of mileage of members and delegates, give a bond to the United States, with two or more sureties, to be approved by the First Comptroller of the Treasury, in the sum of fifty thousand dollars, with condition for the proper discharge of the duties of his office, and the faithful keeping, application, and disbursement of such moneys as may be drawn from the Treasury and paid to him as disbursing officer of the United States, and shall, from time to time, renew his official bond as the First Comptroller of the Treasury shall direct. No member of Congress shall be approved as surety on such bond. — bond of.

SEC. 5. That the bonds given pursuant to this act shall be deposited in the office of the First Comptroller of the Treasury. — where to deposit bonds.

SEC. 6. That any person duly elected and qualified as Sergeant-at-Arms of the House of Representatives shall continue in said office until his successor is chosen and qualified, subject however, to removal by the House of Representatives. — to continue in office till successor qualifies, &c.

SEC. 7. That the Sergeant-at-Arms of the House of Representatives shall prepare and submit to the House of Representatives, at the commencement of each regular session of Congress, a statement in writing exhibiting the several sums drawn by him pursuant to the provisions of this act, the application and disbursement of the same, and the balance, if any, remaining in his hands. — to make annual statement of disbursements, &c.

SEC. 8. That there shall be employed in the office of Sergeant-at-Arms one deputy to the Sergeant-at-Arms, at a salary of two thousand dollars a year; one cashier, at a salary of three thousand dollars a year; one paying teller, at a salary of two thousand dollars a year; one book-keeper, at a salary of one thousand eight hundred dollars a year; one messenger, at a salary of one thousand two hundred dollars a year; one page, at a salary of seven hundred and twenty dollars a year; and one laborer, at a salary of six hundred and sixty dollars a year. — his employés.

SEC. 9. That section two hundred and thirty-seven of the Revised Statutes is hereby amended so as to read as follows: Fiscal year for accounts, &c., to commence July 1.

“SEC. 237. That 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, and accounts of the Sergeant-at-Arms of the House of Representatives for compensation and mileage of members and delegates, 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. Substitute for R. S., § 237.

The fiscal year for the adjustment of the accounts of Secretary of the Senate for compensation and traveling expenses of Senators, and of the Sergeant-at-Arms of the House of Representatives for compensation and mileage of members and delegates shall extend to and include the third day of July.” — for compensation, &c., of members of Congress to include July 3.

SEC. 10. That all laws and parts of laws inconsistent herewith are hereby repealed. [October 1, 1890.] Repeal.

October 1, 1890.

CHAP. 1259.—An act to promote the administration of justice in the Army.

26 Stat. L., 648.
Summary court-martial in Army for trial of offenses of enlisted men in time of peace.
R. S., § 1342, arts. 80-83.

Be it enacted, &c., That hereafter in time of peace all enlisted men charged with offenses now cognizable by a garrison or regimental court-martial shall, within twenty-four hours from the time of their arrest, be brought before a summary court, which shall consist of the line officers second in rank at the post or station or of the command of the alleged offender, and at stations where only officers of the staff are on duty the officers second in rank shall constitute such court, who shall have power to administer oaths and to hear and determine the case, and when satisfied of the guilt of the accused party adjudge the punishment to be inflicted.

—record-book, &c.

There shall be a summary court record-book or docket kept at each military post, and in the field at the headquarters of the command, in which shall be entered a record of all cases heard and determined and the action had thereon, and no sentence adjudged by said summary court shall be executed until it shall have been approved by the post or other commander:

—approval of sentence.

—trials by one officer.

Provided, That when but one commissioned officer is present with a command he shall hear and finally determine such cases as require summary action:

Minor offenses.
1890, Sept. 27, ch. 998, *ante*, p. 808.

Provided further, That the President be, and he hereby is, authorized to prescribe specific penalties for such minor offenses as are now brought before garrison and regimental courts-martial:

Court-martial may be requested.

Provided further, That any enlisted man charged with an offense and brought before such summary court may, if he so desires, object to a hearing and determination of his case by such court and request a trial by court-martial, which request shall be granted as of right, and when the court is the accuser the case shall be heard and determined by the post-commander, or by regimental or garrison court-martial:

—request to be granted, &c.

Report of cases tried, &c.

And provided further, That post and other commanders shall, on the last day of each month, make a report to the department headquarters of the number of cases determined by summary court during the month, setting forth the offenses committed and the penalties awarded, which reports shall be filed in the office of the judge-advocate of the department.

Deserters may be arrested by civil officers.

1890, June 16, ch. 426, § 3, *ante*, p. 755.

SEC. 2. That it shall be lawful for any civil officer having authority under the laws of the United States or of any State, Territory, or District, to arrest offenders, to summarily arrest a deserter from the military service of the United States and deliver him into the custody of the military authority of the General Government. [October 1, 1890.]

October 1, 1890.

26 Stat. L., 648.

CHAP. 1260.—An act granting leaves of absence to clerks and employees in first and second class post-offices, and to employees of the Post-Office Department employed in the mail-bag repair shops connected with said Department.

P.O. clerks, &c., leave of absence.
1893, Mar. 3, ch. 128, and note, *ante*, p. 410.

1890, March 3, ch. 374, par. 1, *post*, p. 679.

Be it enacted, &c., That from and after July first, eighteen hundred and ninety, the clerks and employees attached to first and second class post-offices and the employees of the mail-bag repair shops connected with the Post-Office Department of the United States, whether employed by the month, day or otherwise, be allowed leaves of absence, with full pay, for not exceeding fifteen days in any one fiscal year:

—not until after one year's service.

Provided, That no clerk nor employee be granted a leave under the provisions of this bill until he has performed service for one year. [October 1, 1890.]

CHAP. 1262.—An act to amend section twenty-three hundred and ninety-nine of the Revised Statutes of the United States.

October 1, 1890.

26 Stat. L., 650.

Be it enacted, &c. "SEC. 2399. The printed manual of surveying instructions for the survey of the public lands of the United States, and private land claims, prepared at the General Land Office, and bearing date December second, eighteen hundred and eighty-nine, the instructions of the Commissioner of the General Land Office, and the special instructions of the Surveyor-General, when not in conflict with said printed manual, or the instructions of said Commissioner, shall be taken and deemed to be a part of every contract for surveying the public lands of the United States, and private land claims." [October 1, 1890.]

Manual of surveying instructions to be part of surveying contracts.

Substitute for R. S., § 2399.

CHAP. 1266.—An act to increase the efficiency and reduce the expenses of the Signal Corps of the Army, and to transfer the Weather Service to the Department of Agriculture.

October 1, 1890.

26 Stat. L., 658.

Be it enacted, &c., That the civilian duties now performed by the Signal Corps of the Army shall hereafter devolve upon a bureau to be known as the Weather Bureau, which, on and after July first, eighteen hundred and ninety-one, shall be established in and attached to the Department of Agriculture.

Civilian duties of Signal Corps transferred to Department of Agriculture Weather Bureau.

And the Signal Corps of the Army shall remain a part of the Military Establishment under the direction of the Secretary of War, and all estimates for its support shall be included with other estimates for the support of the Military Establishment.

Signal Corps to remain part of Military Establishment.

SEC. 2. That the Chief Signal Officer shall have charge, under the direction of the Secretary of War, of all military signal duties, and of books, papers, and devices connected therewith, including telegraph and telephone apparatus and the necessary meteorological instruments for use on target ranges, and other military uses; the construction, repair, and operation of military telegraph lines, and the duty of collecting and transmitting information for the Army by telegraph or otherwise, and all other duties usually pertaining to military signaling; and the operations of said corps shall be confined to strictly military matters.

Chief Signal Officer.

Duties confined to military matters.

R. S., §§ 1094, 1195-1197.

1888, Oct. 12, ch. 1092, ante, p. 630.

SEC. 3. That the Chief of the Weather Bureau, under the direction of the Secretary of Agriculture, on and after July first, eighteen hundred and ninety-one, shall have charge of the forecasting of weather, the issue of storm warnings, the display of weather and flood signals for the benefit of agriculture, commerce, and navigation, the gauging and reporting of rivers, the maintenance and operation of sea-coast telegraph lines and the collection and transmission of marine intelligence for the benefit of commerce and navigation, the reporting of temperature and rain-fall conditions for the cotton interests, the display of frost and cold-wave signals, the distribution of meteorological information in the interests of agriculture and commerce, and the taking of such meteorological observations as may be necessary to establish and record the climatic conditions of the United States, or as are essential for the proper execution of the foregoing duties.

Chief of Weather Bureau, his duties.

R. S., §§ 221-223, 227.

1891, Feb. 24, ch. 284, par. 3, post, p. 896.

SEC. 4. That the Weather Bureau shall hereafter consist of one Chief of Weather Bureau and such civilian employees as Congress may annually provide for and as may be necessary to properly perform the duties devolving on said bureau by law, and the chief of said bureau shall receive an annual compensation of four thousand five hundred dollars, and be appointed by the President, by and with the advice and consent of the Senate:

Employés of Weather Bureau; compensation of Chief.

1891, March 3, ch. 544, par. 3, post, p. 931.

Provided, That the Chief Signal Officer of the Army may, in the discretion of the President, be detailed to take charge of said bureau, and in like manner other officers of the Army, not exceeding four,

Details from Army.

expert in the duties of the weather service may be assigned to duty with the Weather Bureau, and while so serving shall receive the pay and allowances to which they are entitled by law.

Enlisted men, Signal Corps, to be discharged, or transferred to Department of Agriculture.

SEC. 5. That the enlisted force of the Signal Corps, excepting those hereinafter provided for, shall be honorably discharged from the Army on June thirtieth, eighteen hundred and ninety-one, and such portion of this entire force, including the civilian employees of the Signal Service as may be necessary for the proper performance of the duties of the Weather Bureau shall, if they so elect, be transferred to the Department of Agriculture, and the compensation of the force so transferred shall continue as it shall be in the Signal Service on June thirtieth, eighteen hundred and ninety-one, until otherwise provided by law:

Skilled observers to be preferred for appointment in Weather Bureau till expiration of term.

Provided, That skilled observers serving in the Signal Service at said date shall be entitled to preference over other persons not in the Signal Service for appointment in the Weather Bureau to places for which they may be properly qualified until the expiration of the time for which they were last enlisted.

Signal Corps, of what officers to consist, and pay.

SEC. 6. That in addition to the Chief Signal Officer the commissioned force of the Signal Corps shall hereafter consist of one major, four captains (mounted), and four first lieutenants (mounted), who shall receive the pay and allowances of like grades in the Army. The officers herein provided for shall be appointed from the Army, including lieutenants of the Signal Corps, preference being given to officers who have performed long and efficient service in the Signal Service:

R. S., § 1195-1197.

1880, June 16, ch. 235, par. 3, ante, p. 289.

1890, August 30, ch. 837, par. 6, ante, p. 792.

— board to recommend appointments in.

Provided, That no appointment shall be made until a board, to be appointed by the Secretary of War, shall have submitted a report recommending officers for appointment in the Signal Corps in the order of merit, based upon the importance and usefulness of work performed in the Signal Service, as said board may determine from the official records.

Second lieutenants not promoted to be appointed in line of army.

And such second lieutenants of the Signal Corps as may not be promoted under the provisions of this act shall be appointed second lieutenants in the line of the Army with present date of commission, and shall be assigned to the first vacancies which may occur in the grade of second lieutenant after the appointments herein provided for have been made.

Assignment of officers not promoted.

Signal Corps appointments to be made after examination.

SEC. 7. That all appointments and promotions in the Signal Corps after this reorganization shall be made after examination and approval under sections twelve hundred and six and twelve hundred and seven of the Revised Statutes, which are hereby amended so as to be applicable to and to provide for the promotion of the lieutenants of the Signal Corps in the same manner as they now apply to the Corps of Engineers and the Ordnance Corps;

R. S., § 1206, 1207.

— vacancies filled by transfer from line, etc.

And all vacancies which may hereafter exist in the grade of first lieutenant in the Signal Corps shall be filled by transfer from the line of the Army, after competitive examination and recommendation by a board of officers of the Signal Corps to be appointed by the Secretary of War.

— enlisted force.

1878, June 20, ch. 359, par. 6, ante, p. 202.

1890, Aug. 30, ch. 837, par. 6, ante, p. 792.

Vacancies in weather force.

SEC. 8. That the enlisted force of the Signal Corps of the Army shall hereafter consist of fifty sergeants, of which ten shall be of the first class, with pay of hospital stewards. No further enlistments shall be made in the Signal Corps for duties enumerated in section three:

Provided, That any vacancy existing or hereafter occurring in that portion of the force of the Signal Corps engaged in said duties may be filled by a civilian at a salary not exceeding that now paid for the same class of work in the State or Territory where the services may be performed, and this compensation for said services shall continue until July first, eighteen hundred and ninety-one,

which compensation may be paid out of the appropriation for the pay of the present enlisted force.

SEC. 9. That on and after July first, eighteen hundred and ninety-one, the appropriations for the support of the Signal Corps of the Army shall be made with those of other staff corps of the Army, and the appropriations for the support of the Weather Bureau shall be made with those of the other bureaus of the Department of Agriculture, and it shall be the duty of the Secretary of Agriculture to prepare future estimates for the Weather Bureau which shall be hereafter specially developed and extended in the interests of agriculture.

SEC. 10. [*This section relates to division of property and has been executed.*] [October 1, 1890.]

Appropriations,
how to be made.
1886, Aug. 4, ch.
903, par. 1, *ante*,
p. 513.

CHAP. 1267.—An act establishing a customs collection district to consist of the States of North Dakota and South Dakota, and for other purposes.

October 1, 1890.

Be it enacted, &c., That a collection of customs district be, and the same is hereby, established, embracing the States of North Dakota and South Dakota,

With Pembina, in the State of North Dakota, as a port of entry, and Sioux Falls, in the State of South Dakota, as a port of delivery.

SEC. 2. That the collector for the port of North and South Dakota shall be appointed by the President, by and with the advice and consent of the Senate, and shall be paid a salary of twelve hundred dollars per annum. [October 1, 1890.]

26 Stat. L., 655.
North and South
Dakota customs
district.
R.S., §§ 2595, 2605.
Ports of entry
and delivery.
Collector.

CHAP. 1268.—An act to provide for railroad crossings in the Indian Territory.

October 1, 1890.

Be it enacted, &c., That every railroad corporation created and organized under the laws of the United States, or any of the States thereof, which may now or shall hereafter be authorized to construct and operate a railroad in the Indian Territory, shall have the right to cross, intersect, join, or unite its railroad with any other railroad now constructed or that may hereafter be constructed at any point upon its route and upon the grounds and right of way of such other railroad company, with the necessary turn-outs, sidings, and switches, telegraph and telephone lines, and other conveniences in furtherance of the objects of its construction; and every railroad company whose railroad is or shall be crossed, joined, or intersected by any other railroad shall unite with the owners and corporators of such other railroad in forming such crossing, intersection, and shall grant to such railroads so crossing, intersecting, or uniting all the necessary facilities for that purpose.

SEC. 2. That if the two corporations or their management can not agree upon the amount of compensation to be made for the purposes set forth in the foregoing section, or the points or manner of such crossings, junctions, or intersections the corporation desiring to cross, intersect, join, or unite with the other railroads, may file its petition in the nearest United States court having jurisdiction of civil causes in said Territory, with a description and map of the place at which said crossing, intersection, or junction is desired, asking to have the damages for said right of way, crossing, intersection, or junction assessed, and upon the filing of such petition, in term time or vacation, the court or judge thereof in vacation shall forthwith appoint three disinterested citizens of the United States residing in said Territory as special commissioners to assess said damages, giving preference to those who may be agreed upon by the two parties.

26 Stat. L., 655.
Indian Territory;
railroads in, may
cross, &c., other
lines.

Companies to
unite in making
connection, &c.

Compensation in
case of disagree-
ment; how to be
assessed.

Commissioners
to qualify.

SEC. 3. That the said commissioners shall be sworn by the judge or any officer authorized by law to administer oaths to assess said damages fairly and impartially according to law.

—to notify and
hear parties.

They shall appoint as early a day as practicable and a place as near as practicable to said point of crossing or junction for the hearing of the parties, and shall notify each of the parties in writing of the time and place so selected at least five days before the hearing, which notice may be served on any officer, agent, or attorney of said corporation or management of the railroad to be notified, and by any person competent to testify. If notice shall not be perfected at the time set the hearing may be postponed from time to time till service thereof shall be perfected.

— powers.

SEC. 4. That the said commissioners shall have power to compel the attendance of witnesses and the production of testimony, and to administer oaths.

Assessment of
damages.

SEC. 5. That at the time and place appointed the commissioners shall meet and proceed to fully hear the parties interested and shall assess the actual damages, if any, sustained by reason of the crossing or junction sought; they shall reduce their decision to writing, stating therein the amount of damages, if any, awarded, the amount of costs, with each item thereof and against which party adjudged, and shall without delay file said statement, with all the papers connected with the case, in the office of the clerk of said court.

Upon paying
award, company
may cross, &c.

SEC. 6. That if the party seeking the crossing or junction shall pay to the other party, or deposit with the clerk of said court for the use of the other party the damages and costs so assessed and awarded against it, said party shall have the right upon said payment or deposit to enter upon the right of way of the other party and to cross, intersect, join, or unite its road with the other railroad in accordance with the award.

Appeal from com-
missioners' deci-
sion.

SEC. 7. That if either party be dissatisfied with the decision of the commissioners it may, within ten days from the filing thereof, file its exceptions thereto in writing, setting forth the particular cause or causes of objection, and thereupon the adverse party shall be summoned, and said cause shall be tried and determined as other causes in said court.

Right of accept-
ing company to
proceed, &c., not
barred.

But nothing in this section shall be so construed as to deprive the railroad company seeking a crossing from accepting the report of the commissioners, and paying into the court the full amount of the award of damages made by the commissioners, and immediately thereafter to cross, intersect, join, or unite with the line of the opposing railway.

Decision, if not
appealed, to be
recorded and en-
forced.

If no exceptions are filed within said time the judge shall cause the said decision to be recorded in the minutes of his court, and shall make the same judgment of his court, and may issue the necessary process to enforce the same.

Compensation of
commissioners.

SEC. 8. That commissioners shall be entitled to receive for their services five dollars each for every day they are engaged in the performance of their duties, which they shall include in their statement of costs and which shall be paid as such.

Supplying vacan-
cies.

If the commissioners or any of them shall be unable or for any cause fail to act the court or judge shall appoint a commissioner or commissioners to supply the place or places of those failing to act.

Costs; how to be
determined.

SEC. 9. That the costs of the proceedings before the commissioners and in the court shall be determined as follows, to wit: If the commissioners shall award greater damages than the said company offered to pay before the proceedings commenced, or if exceptions are filed to the decision of the commissioners as herein provided for, and the judgment of the court is for a greater sum than the amount awarded by the commissioners, then the said company shall pay all costs; but if the amount awarded by said commissioners as damages, or if the judgment of the court shall be for the same or less amount of

damages than the amount offered by the company before proceedings were commenced, then the cost shall be paid by the other company.

SEC. 10. That every railroad company operating a railroad in the Indian Territory shall cause all passenger and freight trains running on its road to stop at all points on its road where another railroad crosses, joins, unites, or intersects, and take and receive on said trains all passengers and all freights and mail offered at that point, and shall carry the same, and shall also discharge at said point all passengers desiring to stop there and all freight and mails consigned to said point.

Trains to stop at all intersections, &c.

And no railroad company shall in any wise discriminate against passengers or freight transported or conveyed by any intersecting railroad company.

Discriminations forbidden,

SEC. 11. That any railroad company violating any of the provisions of the preceding section shall forfeit and pay to the company or individual injured thereby double the amount of damages which said company or individual may have sustained, to be recovered in any court of competent jurisdiction. [October 1, 1890.]

Penalty for violations.

CHAP. 1268.—An act for the relief of certain settlers on the public lands of the United States and to authorize the taking and filing of final proofs in certain cases.

October 1, 1890.
26 Stat. L., 657.

Be it enacted, &c. * * [Section 1 relates to pending cases.]

SEC. 2. That hereafter, when a vacancy shall occur in any of the land offices of the United States by reason of the death, resignation, or removal of either the register or receiver, and the time set for taking final proof falls within the vacancy thus caused, the remaining officer may proceed to take said final proofs, in the absence of any contest or protest, reduce the same to writing, and place it on file in the office to be considered and passed upon when the vacancy is filled. [October 1, 1890.]

In case of vacancy in office of register or receiver remaining officer may take final proofs.
1878, June 3, ch. 152, ante, p. 169.

RESOLUTIONS.

NUMBER 12.—Joint resolution providing for taking the census in Alaska.

March 19, 1890.
26 Stat. L., 670.

Resolved, &c., That the Superintendent of Census is hereby authorized to pay special agents in Alaska, in addition to their salaries, a per diem allowance to cover all expenses of subsistence and transportation, not to exceed seven dollars per diem. [March 19, 1890.]

Alaska, extra allowance for census expenses.
1889, Mar. 1, ch. 319, § 11, ante, p. 656.

NUMBER 36.—Joint resolution to amend the "Act to establish two additional land offices in the State of Montana," approved April first, eighteen hundred and ninety.

August 8, 1890.
26 Stat. L., 677.

Resolved, &c., That whereas, in an act of Congress entitled "An act to establish two additional land offices in the State of Montana," approved April first eighteen hundred and ninety, the name of the town wherein the office of the Judith Land District is located was erroneously spelled Lewiston instead of Lewistown:

Montana.
Lewistown in land district of Judith.
1890, April 1, ch. 60, § 2, ante, p. 710.

Therefore, for the purpose of correcting said error be it

Resolved, That the letter "n" be stricken out of the last word in section two of said act, and that the letters "wn" be inserted in lieu thereof so that said word as corrected shall be spelled Lewistown. [August 8, 1890.]

—spelling of corrected.

August 28, 1890. **NUMBER 41.**—Joint resolution extending the privilege of the Library of Congress to the members and Secretary of the Interstate Commerce Commission, and the Chief of Engineers of the Corps of Engineers United States Army.

Library of Congress,—use of, extended to Interstate Commerce Commission and Chief of Engineers. R. S., § 93.

Resolved, &c., That the Joint Committee of Congress on the Library be authorized to extend the use of the books in the Library of Congress to the members and secretary of the Interstate Commerce Commission, and the Chief of Engineers of the Corps of Engineers United States Army, resident in Washington, on the same conditions and restrictions as members of Congress are allowed to use the Library. [August 28, 1890.]

Sept. 1, 1890. **NUMBER 43.**—Joint resolution amending and construing the act approved July first, eighteen hundred and ninety, in relation to oaths in pension and other cases.

26 Stat. L., 679.

Officers administering oaths in pension cases not having seal to file certificate, &c. 1890, July 1, ch. 646, ante, p. 760.

Resolved, &c., That the act approved July first, eighteen hundred and ninety, entitled "An act in relation to oaths in pension and other cases," be and the same is hereby, amended and construed to mean that when declarations, affidavits, and other papers are verified by justices of the peace and other officers duly authorized by law to administer oaths for general persons, but not required by law to have seals, the official character, signature, and term of service of such justice or other officer shall be certified by the clerk of the county or court of record or other proper officer, under the seal of such county or court or public officer, in the department or bureau in which such papers are to be used ;

One certificate sufficient for all business of such officer.

And one such certificate duly filed in such department or bureau, or with any pension agent, shall be sufficient as to all verifications of such officer during his official term, and all papers heretofore or hereafter filed shall be subject to this rule. [September 1, 1890.]

Sept. 25, 1890. **NUMBER 50.**—Joint resolution granting permission to officers and enlisted men of the Army and Navy of the United States to wear the badges adopted by military societies of men who served in the war of the revolution, the war of eighteen hundred and twelve, the Mexican war, and the war of the rebellion.

Military society badges may be worn by Army and Navy men. R. S., 1227.

Resolved, &c., That the distinctive badges adopted by military societies of men who served in the armies and navies of the United States in the war of the Revolution, the war of eighteen hundred and twelve, the Mexican war, and the war of the rebellion respectively, may be worn upon all occasions of ceremony by officers and enlisted men of the Army and Navy of the United States, who are members of said organizations in their own right. [September 25, 1890.]

Sept. 30, 1890. **NUMBER 59.**—Joint resolution to extend the time of payment to settlers on the public lands in certain cases.

26 Stat. L., 684.

Extension of time for payments when prevented by failure of crops, &c. 1879, July 1, ch. 63, ante, p. 272.

Resolved, &c., That whenever it shall appear by the filing of such evidence in the offices of any register and receiver as shall be prescribed by the Secretary of the Interior that any settler on the public lands, by reason of a failure of crops for which he is in no wise responsible, is unable to make the payment on his homestead or pre-emption claim required by law, the Commissioner of the General Land Office is hereby authorized to extend the time for such payment for not exceeding one year from the date when the same becomes due. [September 30, 1890.]

FIFTY-FIRST CONGRESS—SECOND SESSION

IN

THE YEARS 1890-1891.

CHAP. 2.—An act to detach the county of Grayson, in the State of Texas, from the northern and attach it to the eastern judicial district of said State. December 11, 1890.

Be it enacted, &c., That the county of Grayson, in the State of Texas, be detached from the northern and attached to the eastern judicial district of the State of Texas.

SEC. 2. [*Relates to pending cases and past offenses.*] [December 11, 1890.] 26 Stat. L., 687.
Grayson county transferred to eastern judicial district.
R. S., § 548.
1879, Feb. 24, ch. 97, and note, ante, p. 217.

CHAP. 23.—An act providing for the maintenance of discipline among customs officers. December 18, 1890.

Be it enacted, &c., That the several collectors, naval officers, surveyors, and appraisers shall have power, with the approval of the Secretary of the Treasury, as punishment for any neglect or minor delinquency the punishment whereof is not prescribed by law, to suspend from duty with loss of pay for a period not to exceed thirty days for any one cause, any customs officer or employee nominated or appointed and subordinate to such collector, naval officer, surveyor, or appraiser: * * [December 18, 1890.] 26 Stat. L., 690.
Customs officers, &c; how punished for neglect or minor delinquency.
R. S., § 2634.

CHAP. 25.—An act to prevent the spread of scarlet fever and diphtheria in the District of Columbia. December 20, 1890.

Be it enacted, &c., That from and after the passage of this act it shall be the duty of every registered practicing physician or other person prescribing for the sick in the District of Columbia to make report to the health officer, on forms to be furnished by that officer, immediately after such practitioner becomes aware of the existence of any case of scarlet fever or diphtheria in his charge; and in case such person shall fail to so report within twenty-four hours he shall be subject to a penalty of not less than five nor more than fifty dollars, and in case of a second offense the penalty shall be not less than ten nor more than one hundred dollars. 26 Stat. L., 691.
District of Columbia.
Prevention of spread of scarlet fever and diphtheria in.
Reports by physicians, &c.
1880, April 24, Res. No. 25, § 2, par. 7, ante, pp. 304, 309.

In case no physician shall be in charge of such patient the householder where such case occurred, or person in charge thereof, the parent, guardian, nurse, or other person in attendance upon the sick person knowing the character of the disease shall make the report above mentioned, and in case of failure to report shall suffer the same penalties as provided for physicians in this act. —by householder.

SEC. 2. That it shall be the duty of the health officer co-operating with the attending physician to cause a suitable placard, flag, or warning sign to be displayed from the front of the premises or apartment where any one case of scarlet fever or diphtheria is present. Warning sign to be displayed.

It shall be unlawful for any person to remove such placard, sign, or warning flag, when so placed, without permission of the health officer. —not to be removed.

Premises to be disinfected.

And it shall be the duty of the said health officer, in conjunction with the attending physician, to cause the premises to be properly disinfected, and to issue the necessary instructions for the isolation of the patient.

Public exposure of affected persons prohibited.

SEC. 3. That no person shall visit or attend any public or private school, or place of public assemblage, or appear on the public streets or in the parks while affected with scarlet fever or diphtheria, and any adult person, parent, or guardian of a minor convicted of having knowingly violated the provisions of this act shall, upon conviction, forfeit and pay a sum not less than five nor more than fifty dollars;

Physicians to take precautions.

And it shall be the duty of physicians while in attendance upon cases of scarlet fever or diphtheria to exercise such reasonable precautions to prevent the spread of the said diseases as may be prescribed by the health officer of the District of Columbia in regulations.

Convalescents not to attend school, &c., without certificates.

SEC. 4. That no person who has convalesced from diphtheria or scarlet fever shall be allowed to attend any public or private school, seminary, or college until the attending physician shall have furnished a certificate that said patient has completely recovered, and that there is no danger of infection to other persons.

Penalties for violation.

All persons who shall, after convalescing from diphtheria or scarlet fever, visit schools, seminaries, or colleges, without providing themselves with such certificates, shall suffer the penalties provided for in section one of this act.

Vessels, tents, &c., included.

SEC. 5. That the provisions of this act shall apply to every ship, vessel, steamer, boat, or craft lying or being in the rivers, harbors, or other waters within the jurisdiction of said District, and to every tent, van, shed, hovel, barn, out-house, cabin, or other like place, as if the same were an ordinary dwelling.

Meaning of "regulations."

SEC. 6. That the word "regulations," as herein used, shall be held to mean also rules, orders, and amendments.

—"person in charge thereof,"

The words "person in charge thereof" shall be held to mean the owner, his agent or factor; the tenant, his clerk or representative; the nurse, or any one or more persons who by reason of their position are charged with the management or care of the premises, or interested in the person afflicted.

—"practitioner of medicine," &c.

The words "practitioner of medicine," or "practitioner," shall be held to include all persons who undertake to treat persons afflicted, either gratuitously or for pay.

Penalties for false reports or certificates.

SEC. 7. That any person who shall knowingly make, sign, or deliver any false report or certificate herein provided for, upon conviction thereof in the police court of said District, shall be fined not less than five nor more than fifty dollars, and, in default of payment thereof, be committed to jail for not less than one nor more than twenty days.

Expenses, how paid.

SEC. 8. That the expenses necessarily incurred in the execution of the provisions of this act shall be borne from the general appropriation for the maintenance of the health department of the District of Columbia,

Jurisdiction.

And the jurisdiction of civil and criminal procedure in the enforcement of this act is hereby vested in the police court of the said District, with the same right of appeal as in other civil and criminal trials in said District. [December 20, 1890.]

December 22, 1890.

CHAP. 26.—An act to amend section forty-four hundred and twenty-six of the Revised Statutes of the United States, regulation of steam-vessels.

26 Stat. L., 692.

Steamboat inspection.

Be it enacted, &c., That section forty-four hundred and twenty-six of the Revised Statutes of the United States be amended by adding the following words:

Provided, however, That in open steam-launches of ten tons burden and under, one person, if duly qualified, may serve in the double capacity of pilot and engineer." [December 22, 1890.]

Small steam launches—one person may be pilot and engineer. R. S., § 4426.

CHAP. 70.—An act to amend section twelve hundred and twenty-five of the Revised Statutes, concerning details of officers of the Army and Navy to educational institutions. January 13, 1891.

26 Stat. L., 716.

Be it enacted, &c., That section twelve hundred and twenty-five of the Revised Statutes, concerning details of officers of the Army and Navy to educational institutions, be, and the same is hereby, amended so as permit the President to detail, under the provisions of said act, not to exceed seventy-five officers of the Army of the United States; and the maximum number of officers of the Army and Navy to be detailed at any one time under the provision of the act passed September twenty-sixth, eighteen hundred and eighty-eight, amending said section twelve hundred and twenty-five of the Revised Statutes, is hereby increased to eighty-five:

Detail of Army and Navy officers to colleges, &c.,—limit increased to 85, R. S., § 1225.

1888, Sept. 26, ch. 1037, ante, p. 620.

Provided, That no officer shall be detailed to or maintained at any of the educational institutions mentioned in said act where instruction and drill in military tactics is not given:—only where military instruction.

Provided further, That nothing in this act shall be so construed as to prevent the detail of officers of the Engineer Corps of the Navy as professors in scientific schools or colleges as now provided by Act of Congress approved February twenty-sixth, eighteen hundred and seventy-nine, entitled "An act to promote a knowledge of steam-engineering and iron shipbuilding among the students of scientific schools or colleges in the United States." [January 13, 1891.]

—of engineer officers of the Navy. 1879, Feb. 26, ch. 105, ante, p. 221.

CHAP. 74.—An act to authorize the Treasurer of the United States to receive and keep on deposit funds of the Soldiers' Home in the District of Columbia. January 16, 1891.

26 Stat. L., 718.

Be it enacted, &c., That the Treasurer of the United States be, and he is hereby, authorized and directed to receive and keep on deposit, subject to the checks or drafts of the treasurer of the Soldier's Home in the District of Columbia, all funds which may now be under the control of the said Treasurer of the Soldiers' Home, or may hereafter be furnished him or in any manner come into his possession for use in defraying the current expenses of maintaining the said Soldiers' Home,

Soldiers' Home, D. C., U. S. Treasurer to be custodian of funds, &c. 1883, March 3, ch. 130, § 8, ante, p. 411.

And, upon the request of said treasurer of the Soldiers' Home, there shall be transferred, from funds to his credit with the United States Treasurer, and placed to his credit with the assistant treasurer of the United States in New York City, New York, such sums as he may require monthly or quarterly for payments on account of "out-door relief" to members of said Soldiers' Home residing at a distance therefrom. [January 16, 1891.]

Funds may be transferred to assistant treasurer in New York.

CHAP. 80.—An act to amend sections thirteen hundred and forty-six and thirteen hundred and forty-eight of the Revised Statutes of the United States, in reference to the visitation and inspection of the military prison and examination of its accounts and government. January 19, 1891.

26 Stat. L., 722.

Be it enacted, &c., That sections thirteen hundred and forty-six and thirteen hundred and forty-eight of the Revised Statutes of the United States be, and the same are hereby, amended to read as follows:

Military prison to be annually visited and inspected by Secretary of War and Commissioners.

Substitute for
R. S., § 1346.
1874, May 21, ch.
186, ante, p. 9.

“SEC. 1346. The Secretary of War shall, with said Commissioners, 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.”

—and by Inspect-
or-General.
Substitute for
R. S., § 1348.

SEC. 1348. One of the inspectors-general of the Army shall, at least once each year, 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.”

[*January 19, 1891.*]

February 6, 1891. CHAP. 113.—An act to amend section one hundred and eighty of the Revised Statutes of the United States.

26 Stat. L., 733.

Vacancies of
heads of Depart-
ments, how filled
temporarily.

Substitute for
R. S., § 180.

Be it enacted, &c., That section one hundred and eighty of the Revised Statutes of the United States, be, and the same is hereby, amended so as to read as follows:

A vacancy occasioned by death or resignation must not be temporarily filled under the three preceding sections for a longer period than thirty days. [*February 6, 1891.*]

February 7, 1891. CHAP. 116.—An act making an apportionment of Representatives in Congress among the several States under the Eleventh Census.

26 Stat. L., 735.

Representatives
in Congress ap-
portioned.

Superseding R.
S., §§ 20-27.

Be it enacted, &c., That after the third of March, eighteen hundred and ninety-three, the House of Representatives shall be composed of three hundred and fifty-six members, to be apportioned among the several States as follows:

Alabama, nine.
Arkansas, six.
California, seven.
Colorado, two.
Connecticut, four.
Delaware, one.
Florida, two.
Georgia, eleven.
Idaho, one.
Illinois, twenty-two.
Indiana, thirteen.
Iowa, eleven.
Kansas, eight.
Kentucky, eleven.
Louisiana, six.
Maine, four.
Maryland, six.
Massachusetts, thirteen.
Michigan, twelve.
Minnesota, seven.
Mississippi, seven.
Missouri, fifteen.

Montana, one.
Nebraska, six.
Nevada, one.
New Hampshire, two.
New Jersey, eight.
New York, thirty-four.
North Carolina, nine.
North Dakota, one.
Ohio, twenty-one.
Oregon, two.
Pennsylvania, thirty.
Rhode Island, two.
South Carolina, seven.
South Dakota, two.
Tennessee, ten.
Texas, thirteen.
Vermont, two.
Virginia, ten.
Washington, two.
West Virginia, four.
Wisconsin, ten.
Wyoming, one.

SEC. 2. That whenever a new State is admitted to the Union the Representative or Representatives assigned to it shall be in addition to the number three hundred and fifty-six. —to new States.

SEC. 3. That in each State entitled under this apportionment the number to which such State may be entitled in the Fifty-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. The said districts shall be equal to the number of the Representatives to which such State may be entitled in Congress, no one district electing more than one Representative. Election to be by districts.

SEC. 4. That in case of an increase in the number of Representatives which may be given to any State under this apportionment such additional Representative or Representatives shall be elected by the State at large, and the other Representatives by the districts now prescribed by law until the legislature of such State in the manner herein prescribed shall redistrict such State, and if there be no increase in the number of Representatives from a State the Representatives thereof shall be elected from the districts now prescribed by law until such State be redistricted as herein prescribed by the legislature of said State. —at large, of additional Representatives, &c.

SEC. 5. That all acts and parts of acts inconsistent with this act are hereby repealed. [February 7, 1891.] Repeal.

CHAP. 117.—An act to prohibit the sale of tobacco to minors under sixteen years of age in the District of Columbia. February 7, 1891.
26 Stat. L., 736.

Be it enacted, &c., That hereafter no person in the District of Columbia shall sell, give, or furnish any cigar, cigarette, or tobacco in any of its forms to any minor under sixteen years of age; and for each and every violation of this section the offender shall, on conviction, be fined not less than two dollars nor more than ten dollars, or be imprisoned for not less than five days nor more than twenty days. [February 7, 1891.] District of Columbia.
Sale of tobacco to minors under sixteen years, prohibited.

CHAP. 122.—An act to amend sections twelve hundred and sixteen and twelve hundred and eighty-five of the Revised Statutes relative to certificates of merit to enlisted men of the Army. February 9, 1891.
26 Stat. L., 737.

Be it enacted, &c., That section twelve hundred and sixteen, Revised Statutes, be, and is hereby, amended to read:

“SEC. 1216. That when any enlisted man of the Army shall have distinguished himself in the service the President may, at the recommendation of the commanding officer of the regiment to which such enlisted man belongs, grant him a certificate of merit.” Certificates of merit granted to enlisted men in the Army.
Substitute for R. S., § 1216.

SEC. 2. That section twelve hundred and eighty-five, Revised Statutes, be, and is hereby, amended to read: —holder of, to have additional pay.

“SEC. 1285. A certificate of merit granted to an enlisted man for distinguished service shall entitle him, from the date of such service, to additional pay at the rate of two dollars per month while he is in the military service, although such service may not be continuous.” [February 9, 1891.] Substitute for R. S., § 1285.

CHAP. 127.—An act further to prevent counterfeiting or manufacture of dies, tools, or other implements used in counterfeiting, and providing penalties therefor, and providing for the issue of search warrants in certain cases. February 10, 1891.
26 Stat. L., 742.

Be it enacted, &c., That every person who, within the United States or any Territory thereof, makes any die, hub, or mold, either of steel or plaster, or any other substance whatsoever in likeness or simi- Counterfeiting dies, &c., for coin of the United States made a felony.

- R. S., §§ 5457-5462.
1877, Jan. 16, ch. 24, *ante*, p. 128.
- Assisting. Or who willingly aids or assists in the making of any such die, hub, or mold, or any part thereof,
- Procuring. Or who causes or procures to be made any such die, hub or mold, or any part thereof, without authority from the Secretary of the Treasury of the United States or other proper officer,
- Having in possession. Or who shall have in his possession any such die, hub, or mold with intent to fraudulently or unlawfully use the same,
- Permitting the use. Or who shall permit the same to be used for or in aid of the counterfeiting of any of the coins of the United States hereinbefore mentioned
- Penalties. Shall, upon conviction thereof, be punished by a fine of not more than five thousand dollars and by imprisonment at hard labor not more than ten years, or both, at the discretion of the court.
- Foreign coins, counterfeiting dies for, made a felony.
1884, May 16, ch. 52, *ante*, p. 429.
- Having in possession. Or who conceals or shall have in possession any such die, hub, or mold hereinbefore mentioned, with intent to fraudulently, or unlawfully use the same for counterfeiting any foreign coin,
- Permitting the use. Or who knowingly suffers the same to be fraudulently used for the counterfeiting of any foreign coin
- Penalties. Shall, upon conviction thereof, be punished by a fine of not more than two thousand dollars or imprisonment at hard labor not more than five years, or both, at the discretion of the court.
- Making, importing, or having in possession tokens, prints, &c., similar to U. S. or foreign coins, punishable by fine.
R. S., § 5461.
1884, May 16, ch. 52, *ante*, p. 429.
- SEC. 2. That every person who, within the United States or any Territory thereof, without lawful authority, makes, or willingly aids or assists in making, or causes or procures to be made, any die, hub, or mold, either of steel or of plaster, or of any other substance whatsoever, in the likeness or similitude, as to the design or the inscription thereon, of any die, hub, or mold designated for the coining of the genuine coin of any foreign Government,
- Or who shall have in possession with intent to sell, give away, or in any other manner use the same,
- SEC. 3. That every person who makes, or who causes or procures to be made, or who brings into the United States from any foreign country,
- Any business or professional card, notice, placard, token, device, print, or impression, or any other thing whatsoever, whether of metal or its compound or of any other substance whatsoever, in likeness or similitude, as to design, color, or the inscription thereon, of any of the coins of the United States or of any foreign Government, that have been or hereafter may be issued as money, either under the authority of the United States or under the authority of any foreign Government
- Or who shall have in possession with intent to sell, give away, or in any other manner use the same,
- Shall, upon conviction thereof, be punished by a fine not to exceed one hundred dollars.
- SEC. 4. That all counterfeitings of any of the obligations or other securities of the United States or of any foreign Government, or counterfeitings of any of the coins of the United States or of any foreign Government, and all material or apparatus fitted or intended to be used, or that shall have been used, in the making of any of such counterfeit obligations or other securities or coins hereinbefore mentioned, that shall be found in the possession of any person without authority from the Secretary of the Treasury or other proper officer to have the same, shall be taken possession of by any authorized agent of the Treasury Department and forfeited to the United States, and disposed of in any manner the Secretary of the Treasury may direct.
- SEC. 5. That the several judges of courts established under the laws of the United States and the commissioners of such courts may,
- Issue of search warrants in certain cases for sus-

upon proper oath or affirmation, within their respective jurisdictions, issue a search warrant authorizing any marshal of the United States, or any other person specially mentioned in such warrant, to enter any house, store, building, boat, or other place named in such warrant, in the daytime only, in which there shall appear probable cause for believing that the manufacture of counterfeit money, or the concealment of counterfeit money, or the manufacture or concealment of counterfeit obligations or coins of the United States or of any foreign Government, or the manufacture or concealment of dies, hubs, molds, plates, or other things fitted or intended to be used for the manufacture of counterfeit money, coins, or obligations of the United States or of any foreign Government, or of any bank doing business under the authority of the United States or of any State or Territory thereof, or of any bank doing business under the authority of any foreign Government or of any political division of any foreign Government, is being carried on or practiced, and there search for any such counterfeit money, coins, dies, hubs, molds, plates, and other things, and for any such obligations, and if any such be found, to seize and secure the same and to make return thereof to the proper authority;

And all such counterfeit money, coins, dies, hubs, molds, plates, and other things and all such counterfeit obligations so seized shall be forfeited to the United States. [*February 10, 1891.*]

pected counterfeit obligations, securities, or coin, or material for counterfeiting.

Forfeiture.

CHAP. 128.—An act to amend an act entitled "An act to regulate commerce," approved February fourth, eighteen hundred and eighty-seven.

February 10, 1891.

26 Stat. L., 748.

Be it enacted, &c., That section twelve of an act entitled "An act to regulate commerce," approved February fourth, eighteen hundred and eighty-seven, be, and it is hereby, amended so as to read as follows:

Interstate Commerce Commission to inquire into business of common carriers.

"SEC. 12. That the Commission hereby created shall have authority to inquire into the management of the business of all common carriers subject to the provisions of this act, and shall keep itself informed as to the manner and method in which the same is conducted, and shall have the right to obtain from such common carriers full and complete information necessary to enable the Commission to perform the duties and carry out the objects for which it was created;

Substitute for 1887, Feb. 4, ch. 104, § 12 (24 Stat. L., 383), ante, p. 531.

And the Commission is hereby authorized and required to execute and enforce the provisions of this act;

—to execute and enforce the law.

And, upon the request of the Commission, it shall be the duty of any district attorney of the United States to whom the Commission may apply to institute in the proper court and to prosecute under the direction of the Attorney-General of the United States all necessary proceedings for the enforcement of the provisions of this act and for the punishment of all violations thereof, and the costs and expenses of such prosecution shall be paid out of the appropriation for the expenses of the courts of the United States;

District attorney to institute suit on application of commission.

And for the purposes of this act the Commission shall have power to require, by subpoena, the attendance and testimony of witnesses and the production of all books, papers, tariffs, contracts, agreements, and documents relating to any matter under investigation.

Commission may require attendance and testimony of witnesses.

"Such attendance of witnesses, and the production of such documentary evidence, may be required from any place in the United States, at any designated place of hearing.

—from and to any point.

And in case of disobedience to a subpoena the Commission, or any party to a proceeding before the Commission, may invoke the aid of any court of the United States in requiring the attendance and tes-

—if subpoena disobeyed, may invoke aid of court.

timony of witnesses and the production of books, papers, and documents under the provisions of this section.

Circuit courts to issue order to witness.

And any of the circuit courts of the United States within the jurisdiction of which such inquiry is carried on may, in case of contumacy or refusal to obey a subpoena issued to any common carrier subject to the provisions of this act, or other person, issue an order requiring such common carrier or other person to appear before said Commission (and produce books and papers if so ordered) and give evidence touching the matter in question;

— to punish contempt.

And any failure to obey such order of the court may be punished by such court as a contempt thereof.

Self-criminating testimony not to excuse giving evidence.

The claim that any such testimony or evidence may tend to criminate the person giving such evidence shall not excuse such witness from testifying; but such evidence or testimony shall not be used against such person on the trial of any criminal proceeding.

Testimony by deposition may be taken.

The testimony of any witness may be taken, at the instance of a party, in any proceeding or investigation depending before the Commission, by deposition, at any time after a cause or proceeding is at issue on petition and answer. The Commission may also order testimony to be taken by deposition in any proceeding or investigation pending before it, at any stage of such proceeding or investigation.

— before what officers.

Such depositions may be taken before any judge of any court of the United States, or any commissioner of a circuit, 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 proceeding or investigation.

— notice in writing to be given.

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.

Witness may be compelled to give deposition.

Any person may be compelled to appear and depose, and to produce documentary evidence, in the same manner as witnesses may be compelled to appear and testify and produce documentary evidence before the Commission as hereinbefore provided.

Manner of taking depositions.

Every person deposing as herein provided shall be cautioned and sworn (or affirm, if he so request) to testify the whole truth, and shall be carefully examined. His testimony shall be reduced to writing by the magistrate taking the deposition, or under his direction, and shall, after it has been reduced to writing, be subscribed by the deponent.

Depositions in foreign countries.

If a witness whose testimony may be desired to be taken by deposition be in a foreign country, the deposition may be taken before an officer or person designated by the Commission, or agreed upon by the parties by stipulation in writing to be filed with the Commission.

— filing of.
— fees for.

All depositions must be promptly filed with the Commission." Witnesses whose depositions are taken pursuant to this act, and the magistrate or other officer taking the same, shall severally be entitled to the same fees as are paid for like services in the courts of the United States. [February 10, 1891.]

CHAP. 130.—An act to amend sections forty-seven hundred and eighty-three and fifty-four hundred and eighty-six of the Revised Statutes.

February 10, 1891.

26 Stat. L., 746.

Pensions.

Be it enacted, &c., That Sections forty-seven hundred and eighty-three and fifty-four hundred and eighty-six of the Revised Statutes be, and the same are hereby, so amended as to read as follows:

“Every guardian, conservator, curator, committee, tutor, or other person having charge and custody in a fiduciary capacity of the pension of his ward, who shall embezzle the same in violation of his trust, or fraudulently convert the same to his own use, shall be punished by fine not exceeding two thousand dollars or imprisonment at hard labor for a term not exceeding five years, or both, at the discretion of the court.” [February 10, 1891.]

Embezzlement
by guardian, &c.
Substitute for
R. S., §§ 4783,
5486.

CHAP. 131.—An act to provide for an additional associate Justice of the supreme court of Arizona.

February 11, 1891.

26 Stat. L., 747.

Be it enacted, &c., That hereafter the supreme court of the Territory of Arizona shall consist of a chief justice and three associate justices, any three of whom shall constitute a quorum; but no justice shall act as a member of the supreme court in any action or proceeding brought to such court by writ of error, bill of exception, or appeal from a decision, judgment, or decree rendered by him as judge of a district court, unless one of the other justices is disqualified to sit in such action.

Arizona Territory
supreme court
to have four jus-
tices; quorum, &c.
R. S., § 1864.

SEC. 2. That it shall be the duty of the President to appoint one additional associate justice of said supreme court in manner now provided by law, who shall hold his office for the term of four years, and until his successor is appointed and qualified.

Appointment
and term of addi-
tional justice.

SEC. 3. That the said Territory shall be divided into four judicial districts, and a district court shall be held in each district by one of the justices of the supreme court thereof, at such time and place as is or may be prescribed by law.

Territory to be
divided into four
districts.
R. S., § 1865.
Terms of court.
R. S., §§ 1913, 1915.
Residence.

Each judge, after assignment, shall reside in the district to which he is assigned.

SEC. 4. That the present chief justice and his associates are hereby vested with power and authority, and they are hereby directed to divide said Territory into four judicial districts, and make such assignments of the judges provided for in the first section of this act as shall in their judgment be meet and proper:

Assignment of
justices, &c.

Provided, That said districts shall be subject to such changes as the Territorial Assembly of the said Territory may enact.

Changes in dis-
tricts.

SEC. 5. That the said district court shall have jurisdiction, and the same is hereby vested, to hear, try, and determine all matters and causes that the courts of the other districts of the Territory now possess;

Jurisdiction.
R. S., § 1910.

And for such purposes two terms of said court shall be held annually, at such places within said district as may be designated by the chief justice and his associates, or a majority of them;

Terms.

And grand and petit jurors shall be summoned thereon in the manner now required by law.

Jurors.

SEC. 6. [Relates to past offenses.] [February 11, 1891.]

CHAP. 238.—An act to transfer officers on the retired list of the Army from the limited list to the unlimited.

February 16, 1891.

26 Stat. L., 763.

Be it enacted, &c., That when officers who have been placed on the limited retired list as established by section seven, chapter two hundred and sixty-three, page one hundred and fifty, volume twenty,

Army retired
list.

Transfer of aged officers from limited to unlimited list.

1878, June 18, ch. 263, § 7, *ante*.

Limited retired list decreased to 350.

—not to include officers retired by special act.

United States Statutes at Large, shall have attained the age of sixty-four years they shall be transferred from said limited retired list to the unlimited list of officers retired by operation of law because of having attained said age of sixty-four years. (1)

p. 189, and 20 Stat. L., 150.

And the limited retired list shall hereafter consist of three hundred and fifty instead of four hundred, as now fixed by law :

Provided, That officers who have been placed on the retired list by special authority of Congress shall not form part of the limited retired list established by this act. [February 16, 1891.]

NOTE.—(1) All of § 7 of 1878, ch. 263, appears, *ante*, p. 189, except the concluding sentence: "And the retired list shall hereafter be limited to four hundred in lieu of the number now fixed by law." (20 Stat. L., 150.) This is repealed above.

February 18, 1891.

26 Stat. L., 764.

Forfeited unearned railroad lands.

Extension of time limit for homestead entries.

1890, Sept. 29, ch. 1040, § 3, *ante*, p. 808.

Railroad rights not enlarged.

CHAP. 244.—An act to amend an act entitled an act to forfeit certain lands heretofore granted for the purpose of aiding in the construction of railroads, and for other purposes.

Be it enacted, &c., That an act entitled "An act to forfeit certain lands heretofore granted for the purpose of aiding in the construction of railroads, and for other purposes," approved September twenty-ninth, eighteen hundred and ninety, be, and the same is hereby, amended so that the period within which settlers, purchasers, and others under the provisions of said act may make application to purchase lands forfeited thereby or to make or move to perfect any homestead entries which are preserved or authorized under said act when such period begins to run from the passage of the act shall begin to run from the date of the promulgation by the Commissioner of the General Land Office of the instructions to the officers of the local land offices, for their direction in the disposition of said lands: *Provided*, That nothing herein shall extend any time or enlarge any rights given by said act to any railroad company. [February 18, 1891.]

February 21, 1891.

26 Stat. L., 765.

Vessels' names, draft, and home port to be marked at bow and stern.

Substitute for R. S., 4178.

Penalty.

Limit of time.

Draft, &c., to be marked on stem and stern.

Safe-loading draft to be certified by owner, and not to be exceeded.

CHAP. 250.—An act to amend section forty-one hundred and seventy-eight, Revised Statutes, in relation to the marking of vessels' names at bow and stern; and also to provide for marking the draft.

Be it enacted, &c., That section forty-one hundred and seventy-eight, of the Revised Statutes be, and the same is hereby, amended to read entire as follows:

"SEC. 4178. The name of every documented vessel of the United States shall be marked upon each bow and upon the stern, and the home port shall also be marked upon the stern. These names shall be painted, or carved and gilded, in Roman letters in a light color on a dark ground, or in a dark color on a light ground, and to be distinctly visible. The smallest letters used shall not be less in size than four inches.

If any vessels of the United States shall be found without these names being so marked the owner or owners shall be liable to a penalty of ten dollars for each name omitted:

Provided, however, That the names on each bow may be marked within the year eighteen hundred and ninety-one."

SEC. 2. The draught of every registered vessel shall be marked upon the stem and stern post, in English feet or decimeters, in either Arabic or Roman numerals. The bottom of each numeral shall indicate the draught to that line.

The owner, agent, or master of every inspected sea-going steam or sail vessel shall indicate the draught of water at which he shall deem his vessel safe to be loaded for the trade she is engaged in, which limit as indicated shall be stated in the vessel's certificate of inspection, and it shall be unlawful for such vessel to be loaded deeper than stated in said certificate. [February 21, 1891.]

CHAP. 251.—An act to constitute Nashville, Tennessee, a port of delivery, and for other purposes.

February 21, 1891.

26 Stat. L., 766.

Be it enacted, &c., That Nashville, in the State of Tennessee, be, and is hereby, constituted a port of delivery; and that the privileges of immediate transportation of dutiable merchandise, conferred by the act of June the tenth, eighteen hundred and eighty, entitled "An act to amend the Statutes in relation to immediate transportation of dutiable goods, and for other purposes," be, and the same are, extended to said port, and there shall be appointed a surveyor of customs for said port, to reside at such port, who shall receive a salary, to be determined in amount by the Secretary of the Treasury, not exceeding one thousand dollars. [February 21, 1891.]

Nashville, Tenn., a port of delivery for immediate transportation privileges, &c.

1880, June 10, ch. 190, § 7, ante, p. 294.

CHAP. 252.—An act to facilitate the collection of commercial statistics required by section two of the river and harbor appropriation acts of eighteen hundred and sixty-six and eighteen hundred and sixty-seven (1).

February 21, 1891.

26 Stat. L., 766.

Be it enacted, &c., That owners, agents, masters, and clerks of vessels arriving at or departing from localities where works of river and harbor improvement are carried on shall furnish, on application of the persons in local charge of the works, a comprehensive statement of vessels, passengers, freight, and tonnage.

SEC. 2. That every person or persons offending against the provisions of this act shall, for each and every offense, be liable to a fine of one hundred dollars, or imprisonment not exceeding two months, to be enforced in any district court in the United States within whose territorial jurisdiction such offense may have been committed. [February 21, 1891.]

Shipping statistics to be furnished, where river and harbor works are carried on.

R. S., § 281.

Penalty.

NOTE.—(1) The provisions of the acts of 1866, ch. 138, § 2, and 1867, ch. 144, § 2 (14 Stat. L., 73, 431) here referred to, are that the Secretary of War in his annual reports on the river and harbor improvements appropriated for in those acts, shall "state in what collection district each work is located; and at or near what port of entry, light-house, or fort [port in the act of 1867]; what amount of revenue was collected at the nearest port of entry for the last fiscal year, and, as far as practicable, what amount of commerce and navigation would be benefited by the completion of each particular work." These provisions are not included in the Revised Statutes.

CHAP. 282.—An act amending the act of July twentieth, Anno Domini eighteen hundred and eighty-two, dividing the State of Iowa into two judicial districts.

February 24, 1891.

26 Stat. L., 767.

Be it enacted, &c., That the act of Congress to divide the State of Iowa into two judicial districts, approved July twentieth, eighteen hundred and eighty-two, be, and the same is hereby, amended as follows:

That the counties of Cedar, Johnston, Iowa, and Tama be, and hereby are, transferred to the northern district and made a part thereof; and that said counties and the counties of Grundy, Hardin, Benton, Linn, Jones, and Clinton shall constitute a new division in said northern district, to be called the Cedar Rapids division of the northern district, the terms of court for which shall be held at the city of Cedar Rapids. All the provisions of said act approved July twentieth, eighteen hundred and eighty-two, shall be applicable to the division created by this act.

SEC. 2. That the times for holding court in said Cedar Rapids division of the northern district shall be the third Tuesday of February and the second Tuesday in September: *Provided*, That all causes and proceedings, civil and criminal, from either of said counties now pending in either of said courts shall be continued to final adjudication or settlement in the court where now pending unless changed by order of said court. [February 24, 1891.]

Iowa: Cedar Rapids division created in northern judicial district.

R. S., § 537.

1874, Feb. 9, ch.

24, ante, p. 3.

1880, June 4, ch.

120, ante, p. 290.

1882, July 20, ch.

312, and note, ante,

p. 358.

1888, April 19, ch.

127, ante, p. 584.

Terms of court at Cedar Rapids.

R. S., §§ 572,

658.

February 24, 1891.

26 Stat. L., 767.

Contracts for steel to be made after advertisement.

R. S., § 3709.

1868, Sept. 22, ch. 1028, *ante*, p.

Additional civilian member of Board of Ordnance and Fortification.

1888, Sept. 22, ch. 1028, § 1, *ante*, p. 619.

Annual report by Board.

CHAP. 283.—An act making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes.

Be it enacted, &c., * * [Par. 1.] That no contract for the expenditure of any portion of the money herein provided, or that may be hereafter provided for the purchase of steel shall be made until the same shall have been submitted to public competition by the Department by advertisement. * *

[Par. 2.] Board of Ordnance and Fortification: * * And one additional member shall be added to said Board of Ordnance and Fortification who shall be a civilian and not an ex-officer of the regular Army or Navy, and he shall be nominated by the President, and by and with the advice and consent of the Senate, appointed, and shall be paid a salary of five thousand dollars per annum and actual traveling expenses when traveling on duty:

Provided, That the Board of Ordnance and Fortification shall make an annual report to Congress through the Secretary of War, on the first Monday in December in each year, showing the general operations of the Board and shall give a detailed statement of all contracts, allotments and expenditures made by the Board. * * [February 24, 1891.]

February 24, 1891.

26 Stat. L., 770.

Mileage to clerks of Pay Department, expert accountant, and contract surgeons.

1890, June 13, ch. 423, par. 1, and note, *ante*, p. 756.

Inspector General's Department, expert accountant.

Signal Service expenses and military telegraphs, appropriations to be disbursed by bonded officer.

1890, Aug. 30, ch. 837, par. 1; Oct. 12, ch. 1266, § 2; *ante*, pp. 754, 879.

CHAP. 284.—An act making appropriations for the support of the Army for the fiscal year ending June thirtieth, eighteen hundred and ninety-two, and for other purposes.

Be it enacted, &c., * * [Par. 1.] That the maximum sum to be allowed clerks of the Pay Department, the expert accountant for the Inspector General's Department, and contract surgeons when traveling on duty shall be four cents per mile, and, in addition thereto, when transportation can not be furnished by the Quartermaster's Department, the cost of same actually paid by them, exclusive of parlor car fare and transfers. * *

[Par. 2.] For pay of one expert accountant for the Inspector General's Department, to be appointed in case of vacancy, by the Secretary of War, two thousand five hundred dollars. (1)

[Par. 3.] For expenses of the Signal Service of the Army, as follows: * *

For the maintenance and repair of military telegraph lines, * * *Provided,* That the appropriations made by the two preceding paragraphs (2) shall be disbursed by a bonded officer, to be designated from time to time by the Secretary of War. * * [February 24, 1891.]

NOTE.—(1) This office was first created "to be appointed by the Secretary of War," in the Army appropriation act of 1890, June 13, ch. 423, 26 Stat. L., 151.

(2) *i. e.*, For expenses of the Signal Service and for maintenance and repair of military telegraph lines.

February 24, 1891.

26 Stat. L., 783.

Salaries of district judges.

R. S., § 554.

CHAP. 287.—An act fixing the salaries of the several judges of the United States district courts at five thousand dollars per annum.

Be it enacted, &c., That the salaries of the several judges of the district courts of the United States shall hereafter be at the rate of five thousand dollars per annum. [February 24, 1891.]

CHAP. 383.—An act to amend and further extend the benefits of the act approved February eighth, eighteen hundred and eighty-seven, entitled "An act to provide for the allotment of land in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States over the Indians, and for other purposes." February 28, 1891.
26 Stat. L., 794.

Be it enacted, &c., That section one of the act entitled "An act to provide for the allotment of lands in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States and the Territories over the Indians, and for other purposes," approved February eighth, eighteen hundred and eighty-seven, be, and the same is hereby, amended so as to read as follows: "SEC. 1. That in all cases where any tribe or band of Indians has been, or shall hereafter be, located upon any reservation created for their use, either by treaty stipulation or by virtue of an Act of Congress or Executive order setting apart the same for their use, the President of the United States be, and he hereby is, authorized, whenever in his opinion any reservation, or any part thereof, of such Indians is advantageous for agricultural or grazing purposes, to cause said reservation, or any part thereof, to be surveyed, or resurveyed, if necessary, and to allot to each Indian located thereon one-eighth of a section of land:

Provided, That in case there is not sufficient land in any of said reservations to allot lands to each individual in quantity as above provided the land in such reservation or reservations shall be allotted to each individual pro rata, as near as may be, according to legal subdivisions:

Provided further, That where the treaty or act of Congress setting apart such reservation provides for the allotment of lands in severalty to certain classes in quantity in excess of that herein provided the President, in making allotments upon such reservation, shall allot the land to each individual Indian of said classes belonging thereon in quantity as specified in such treaty or act, and to other Indians belonging thereon in quantity as herein provided:

Provided further, That where existing agreements or laws provide for allotments in accordance with the provisions of said act of February eighth, eighteen hundred and eighty-seven, (1) or in quantities substantially as therein provided, allotments may be made in quantity as specified in this act, with the consent of the Indians, expressed in such manner as the President, in his discretion, may require:

And provided further, That when the lands allotted, or any legal subdivision thereof, are only valuable for grazing purposes, such lands shall be allotted in double quantities."

SEC. 2. That where allotments have been made in whole or in part upon any reservation under the provisions of said act of February eighth, eighteen hundred and eighty-seven, and the quantity of land in such reservation is sufficient to give each member of the tribe eighty acres, such allotments shall be revised and equalized under the provisions of this act:

Provided, That no allotment heretofore approved by the Secretary of the Interior shall be reduced in quantity.

SEC. 3. That whenever it shall be made to appear to the Secretary of the Interior that, by reason of age or other disability, any allottee under the provisions of said act, or any other act or treaty can not personally and with benefit to himself occupy or improve his allotment or any part thereof the same may be leased upon such terms, regulations and conditions as shall be prescribed by such Secretary, for a term not exceeding three years for farming or grazing, or ten years for mining purposes:

NOTE.—(1) The quantities specified in the act of 1887, Feb. 8, ch. 119, § 1 (24 Stat. L., 388)—that section being superseded in terms by this—are as follows:

To each head of a family, one quarter of a section ;
To each single person over eighteen years of age, one-eighth of a section ;
To each orphan child under eighteen years of age, one-eighth of a section ; and
To each other single person under eighteen years now living, or who may be born prior to the date of the order of the President directing an allotment of the lands embraced in any reservation, one-sixteenth of a section.

Allotment of one-eighth section of land in severalty to each Indian on reservation.

Substitute for
1887, Feb. 8, ch. 119, § 1, *ante*, p. 584, and 24 Stat. L., 388.

R. S., 2119.
1875, Mar. 3, ch. 131, § 15, *ante*, p. 73.
1884, July 4, ch. 180, par. 5, *ante*, p. 450.

1888, Oct. 19, ch. 1214, § 2, *ante*, p. 635.

—pro rata, if lands insufficient.

—by treaty or act, not reduced.

1887, Feb. 8, ch. 119, note 1, *ante*, p. 584.

—under existing agreements or laws in accordance with former act may be made as herein provided if Indians consent.

Double allotments of lands fit for grazing only.

Existing allotments in certain cases to be augmented.

No existing approved allotment to be reduced.

Leases of allotments permitted if allottee disabled from occupancy.

Amount of land to be allotted to Indians in severalty.

Leases of lands occupied by Indian purchasers permitted.

Provided, That where lands are occupied by Indians who have bought and paid for the same, and which lands are not needed for farming or agricultural purposes, and are not desired for individual allotments, the same may be leased by authority of the Council speaking for such Indians, for a period not to exceed five years for grazing, or ten years for mining purposes in such quantities and upon such terms and conditions as the agent in charge of such reservation may recommend, subject to the approval of the Secretary of the Interior.

Indians entitled to allotment may make selection of public lands for allotment.

SEC. 4. That where any Indian entitled to allotment under existing laws shall make settlement upon any surveyed or unsurveyed lands of the United States not otherwise appropriated, he or she shall be entitled, upon application to the local land office for the district in which the lands are located, to have the same allotted to to him or her and to his or her children, in quantities and manner as provided in the foregoing section of this amending act for Indians residing upon reservations; and when such settlement is made upon unsurveyed lands the grant to such Indians shall be adjusted upon the survey of the lands so as to conform thereto; and patents shall be issued to them for such lands in the manner and with the restrictions provided in the act to which this is an amendment.

Fees to be paid from the Treasury.

And the fees to which the officers of such local land office would have been entitled had such lands been entered under the general laws for the disposition of the public lands shall be paid to them from any moneys in the Treasury of the United States not otherwise appropriated, upon a statement of an account in their behalf for such fees by the Commissioner of the General Land Office, and a certification of such account to the Secretary of the Treasury by the Secretary of the Interior.

Determination of descent.
1887, Feb. 8, ch. 119, § 5, *ante*, p. 535.

SEC. 5. That for the purpose of determining the descent of land to the heirs of any deceased Indian under the provisions of the fifth section of said act, whenever any male and female Indian shall have co-habited together as husband and wife according to the custom and manner of Indian life the issue of such co-habitation shall be, for the purpose aforesaid, taken and deemed to be the legitimate issue of the Indians so living together, and every Indian child, otherwise illegitimate, shall for such purpose be taken and deemed to be the legitimate issue of the father of such child.

"Cherokee Outlet" lands excepted.
1890, May 2, ch. 182, § 1, *ante*, pp. 720, 721.

Provided, That the provisions of this act shall not be held or construed as to apply to the lands commonly called and known as the "Cherokee Outlet":

Certain Sacs and Foxes excepted.

And provided further, That no allotment of lands shall be made or annuities of money paid to any of the Sac and Fox of the Missouri Indians who were not enrolled as members of said tribe on January first, eighteen hundred and ninety; but this shall not be held to impair or otherwise affect the rights or equities of any person whose claim to membership in said tribe is now pending and being investigated. [February 28, 1891.]

February 28, 1891.
26 Stat. L., 796.

CHAP. 384.—An act to amend sections twenty-two hundred and seventy-five and twenty-two hundred and seventy-six of the Revised Statutes of the United States providing for the selection of lands for educational purposes in lieu of those appropriated for other purposes.

Public lands, settlement on, school sections before survey, to be valid.

Be it enacted, &c., That sections twenty-two hundred and seventy-five and twenty-two hundred and seventy-six of the Revised Statutes of the United State be amended to read as follows:

Substitute for R. S., § 2275.

"SEC. 2275. Where settlements with a view to pre-emption or homestead have been, or shall hereafter be 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 claims of such settlers;

And if such sections, or either of them, have been or shall be granted, reserved, or pledged for the use of schools or colleges in the State or Territory in which they lie, other lands of equal acreage are hereby appropriated and granted, and may be selected by said State or Territory, in lieu of such as may be thus taken by pre-emption of homestead settlers.

Lieu lands to be selected by State or Territory.

And other lands of equal acreage are also hereby appropriated and granted, and may be selected by said State or Territory where sections sixteen or thirty-six are mineral land, or are included within any Indian, military, or other reservation, or are otherwise disposed of by the United States:

Where school lands are otherwise disposed of, lieu lands allowed.

Provided, Where any State is entitled to said sections sixteen and thirty-six, or where said sections are reserved to any Territory, notwithstanding the same may be mineral land or embraced within a military, Indian, or other reservation, the selection of such lands in lieu thereof by said State or Territory shall be a waiver of its right to said sections.

Waiver of right to school lands by selecting lieu lands.

And other lands of equal acreage are also hereby appropriated and granted, and may be selected by said State or Territory 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."

Where school lands are wanting or deficient lieu lands allowed.

And it shall be the duty of the Secretary of the Interior, without awaiting the extension of the public surveys, to ascertain and determine, by protraction or otherwise, the number of townships that will be included within such Indian, military, or other reservations, and thereupon the State or Territory shall be entitled to select indemnity lands to the extent of two sections for each of said townships, in lieu of sections sixteen and thirty-six therein; but such selections may not be made within the boundaries of said reservations:

Secretary of Interior may ascertain townships included in reservations, and State may then select lieu lands.

Provided, however, That nothing herein contained shall prevent any State or Territory from awaiting the extinguishment of any such military, Indian, or other reservation and the restoration of the lands therein embraced to the public domain and then taking the sections sixteen and thirty-six in place therein; but nothing in this proviso shall be construed as conferring any right not now existing.

State may await restoration of reservations to public domain.

"SEC. 2276. That the lands appropriated by the preceding section shall be selected from any unappropriated, surveyed public lands, not mineral in character, within the State or Territory where such losses or deficiencies of school sections occur; and where the selections are to compensate for deficiencies of school lands in fractional townships, such selections shall be made 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:

Lieu lands, how to be selected.
Substitute for R. S., § 2276.

Provided, That the States or Territories which are, or shall be entitled to both the sixteenth and thirty-sixth sections in place, shall have the right to select double the amounts named, to compensate for deficiencies of school land in fractional townships." [February 28, 1891.]

Double lieu lands, when allowed.

February 28, 1891. CHAP. 385.—An act to prohibit the granting of liquor licenses within one mile of the Soldiers' Home.
26 Stat. L., 797.

District of Columbia. Liquor licenses prohibited within one mile of Soldiers' Home.
Be it enacted, &c., That on and after the passage of this act no license for the sale of intoxicating liquor at any place within one mile of the Soldiers' Home property in the District of Columbia shall be granted. [February 28, 1891.]

R. S., §§ 435, 1181-1183.
6 Mackey, 409.

March 2, 1891. CHAP. 493.—An act to detach the county of Logan, in the State of Ohio, from the northern and attach it to the southern judicial district of said State.
26 Stat. L., 799.

Ohio, judicial districts. Logan County transferred to southern district.
Be it enacted, &c., That the county of Logan, in the State of Ohio, be detached from the northern and attached to the southern judicial district of the State of Ohio and assigned to the eastern subdivision therein.

R. S., § 544.
1880, Feb. 4, ch. 18, ante, p. 277.
SEC. 2. [Relates to pending cases and past offenses.] [March 2, 1891.]

March 2, 1891. CHAP. 494.—An act making appropriations for the naval service for the fiscal year ending June thirtieth, eighteen hundred and ninety-two, and for other purposes.
26 Stat. L., 799.

Naval supplies, how purchased and issued.
Be it enacted, &c., * * [Par. 1.] All supplies hereafter purchased with moneys appropriated for any branch of the naval establishment shall be purchased, classified, and issued for consumption or use subject to the provisions contained in the act making appropriations for the naval service, approved June thirtieth, eighteen hundred and ninety, in reference to supplies therein provided for and on hand. (1) * *

Limit of rations to marines on shore duty.
[Par. 2.] No law shall be construed to entitle enlisted marines on shore duty to any rations or commutation therefor other than such as now are or may hereafter be allowed to enlisted men in the army. * * [March 2, 1891.]

Supplies to be deemed naval and not bureau supplies.

NOTE.—(1) The provisions in the act of 1890, June 30, ch. 640 (26 Stat. L., 305), are as follows: "All supplies purchased with moneys appropriated by this act shall be deemed to be purchased for the Navy and not for any bureau thereof, and these supplies, together with all supplies now on hand, shall be arranged, classified, consolidated, and catalogued, and issued for consumption or use, under such regulations as the Secretary may prescribe, without regard to the bureau for which they were purchased."

March 2, 1891. CHAP. 497.—An act to prevent bookmaking and pool-selling in the District of Columbia.
26 Stat. L., 824.

Bookmaking and pool-selling prohibited within one mile of Washington or Georgetown.
Be it enacted, &c., That it shall be unlawful for any person or association of persons in the cities of Washington and Georgetown, in the District of Columbia, or within said District within one mile of the boundaries of said cities, to bet, gamble, or make books or pools on the result of any trotting race, to bet, gamble, or make books or pools on the result of any trotting race or running race of horses, or boat race, or race of any kind, or on any election or any contest of any kind, or game of baseball.

R. S. of D. C., § 1162.
1883, January 31, ch. 40, ante p. 396.
Penalty.
SEC. 2. That any person or association of persons violating the provisions of this act shall be fined not exceeding five hundred dollars, or be imprisoned not more than ninety days, or both, at the discretion of the court. [March 2, 1891.]

CHAP. 498.—An act to amend an act entitled "An act for the relief of certain volunteer and regular soldiers of the late war and the war with Mexico," approved March two, eighteen hundred and eighty-nine.

March 2, 1891.

26 Stat. L., 824.

Be it enacted, &c., That subdivision three of section two of the above entitled act be, and the same is amended so as to read as follows:

Minors discharged by order of court, &c., not to receive pay on removal of charge of desertion.

"Third. That such soldier was a minor, and was enlisted without the consent of his parent or guardian, and was released or discharged from such service by the order or decree of any State or United States court on habeas corpus or other judicial proceedings, and in such case such soldier shall not be entitled to any bounty or allowance, or pay for any time such soldier was not in the performance of military duty." [March 2, 1891.]

Substitute for 1889, March 2, ch. 390, § 2, par. 3, ante, p. 692, and 26 Stat. L., 869.

CHAP. 517.—An act to establish circuit courts of appeals and to define and regulate in certain cases the jurisdiction of the courts of the United States, and for other purposes. (1)

March 3, 1891.

26 Stat. L., 826.

Be it enacted, &c., That there shall be appointed by the President of the United States, by and with the advice and consent of the Senate, in each circuit an additional circuit judge, who shall have the same qualifications, and shall have the same power and jurisdiction therein that the circuit judges of the United States, within their respective circuits, now have under existing laws, and who shall be entitled to the same compensation as the circuit judges of the United States in their respective circuits now have.

Additional circuit judges—one in each circuit—to be appointed.
R. S., § 607.

SEC. 2. That there is hereby created in each circuit a circuit court of appeals, which shall consist of three judges, of whom two shall constitute a quorum, and which shall be a court of record with appellate jurisdiction, as is hereafter limited and established.

Circuit court of appeals; jurisdiction.

NOTE.—(1) The following acts relate to the jurisdiction of the Supreme Court:

Revised Statutes, §§ 687-710, 5261 (§ 691 is expressly repealed by § 14 of this act).

1874, April 7, ch. 80, § 2, ante, p. 7, providing that the appellate jurisdiction of the Supreme Court over judgments and decrees of territorial courts in cases of trial by jury shall be by writ of error, and in other cases by appeal, &c.

1874, June 23, ch. 469, § 3, ante, p. 49, allowing writ of error to the Supreme Court of Utah Territory in cases of capital punishment or conviction of bigamy or polygamy.

1875, February 16, ch. 77, § 1, ante, pp. 62, 63, limiting the review by the Supreme Court of decrees of circuit courts in admiralty cases to questions of law arising on findings of fact to be made in such cases by the circuit courts. (§ 3 (18 Stat. L., 316) is expressly repealed by § 14 of this act.)

1875, March 1, ch. 114, § 5, ante, p. 68, making civil-rights cases reviewable by the Supreme Court, without regard to the sum in controversy.

1875, March 3, ch. 137, § 9, ante, p. 85, prescribing the proceedings in the Supreme Court in cases of death of parties after judgment in circuit court.

1881, March 3, ch. 138, § 7, ante, p. 324, giving original and appellate jurisdiction in trade-mark cases to the courts of the United States without regard to the amount in controversy.

1884, May 17, ch. 53, § 7, ante, p. 423, providing for the review of judgments and decrees of the district court for the district of Alaska.

1885, March 3, ch. 353, ante, p. 485, providing for an appeal to the Supreme Court in cases of *habeas corpus*.

1885, March 3, ch. 355, ante, p. 485, regulating appeals from the supreme courts of the District of Columbia and the Territories.

1887, March 3, ch. 359, §§ 3, 9, ante, pp. 560, 561, providing for appeals from the Court of Claims and circuit and district courts in cases of certain suits against the United States.

1888, August 13, ch. 866, §§ 1 (sub-sec. 2), 6, ante, pp. 613, 614, taking away the right of review by the Supreme Court of orders of circuit courts remanding causes to State courts.

1889, February 6, ch. 113, § 6, ante, p. 639, providing for writs of error in all convictions of crime punishable by death.

1889, February 25, ch. 226, ante, p. 650, providing for writs of error or appeals to the Supreme Court in cases involving the question of the jurisdiction of the circuit court.

1889, March 1, ch. 355, § 6, ante, p. 672, providing for review of the judgments and decrees of the United States court in the Indian Territory in cases where the value exceeds \$1,000.

1889, March 2, ch. 382, § 5, ante, p. 681, providing for an appeal to the Supreme Court in complaints for violation of the interstate commerce act where the subject in dispute is of the value of \$2,000 or more.

1890, May 2, ch. 182, § 9, ante, p. 724, providing for writs of error and appeals from the decisions of the Supreme Court of Oklahoma Territory where the amount in controversy exceeds \$5,000.

1890, May 2, ch. 182, § 42, ante, p. 738, providing that appeals and writs of error may be taken from the decisions of the United States court in the Indian Territory in the same manner as from the circuit courts.

1890, June 10, ch. 407, § 15, ante, p. 732, providing for appeals from decisions of circuit courts in cases under the customs-revenue laws.

1891, March 3, ch. 538, § 10, post, p. 916, providing for appeals from judgments of the Court of Claims in cases of Indian depredation claims.

1891, March 3, ch. 539, §§ 9, 14, post, pp. 920, 923, providing for appeals from the decisions of the Court of Private Land Claims.

To what extent any of these acts are affected by the one in the text has not yet been decided.

- to prescribe forms. Such court shall prescribe the form and style of its seal and the form of writs and other process and procedure as may be conformable to the exercise of its jurisdiction as shall be conferred by law.
- to appoint marshal. It shall have the appointment of the marshal of the court with the same duties and powers under the regulations of the court as are now provided for the marshal of the Supreme Court of the United States, so far as the same may be applicable.
- and clerk. The court shall also appoint a clerk, who shall perform and exercise the same duties and powers in regard to all matters within its jurisdiction as are now exercised and performed by the clerk of the Supreme Court of the United States, so far as the same may be applicable.
- Salaries of marshal and clerk. The salary of the marshal of the court shall be twenty-five hundred dollars a year, and the salary of the clerk of the court shall be three thousand dollars a year, to be paid in equal proportions quarterly.
- Costs and fees. The costs and fees in the Supreme Court now provided for by law shall be costs and fees in the circuit courts of appeals; and the same shall be expended, accounted for, and paid for, and paid over to the Treasury Department of the United States in the same manner as is provided in respect of the costs and fees in the Supreme Court.
- Rules, &c. The court shall have power to establish all rules and regulations for the conduct of the business of the court within its jurisdiction as conferred by law.
- Court of appeals, how constituted. SEC. 3. That the Chief-Justice and the associate justices of the Supreme Court assigned to each circuit, and the circuit judges within each circuit, and the several district judges within each circuit, shall be competent to sit as judges of the circuit court of appeals within their respective circuits in the manner hereinafter provided.
- presiding justice of. In case the Chief-Justice or an associate justice of the Supreme Court should attend at any session of the circuit court of appeals he shall preside, and the circuit judges in attendance upon the court in the absence of the Chief-Justice or associate justice of the Supreme Court shall preside in the order of the seniority of their respective commissions.
- When district judges may sit. In case the full court at any time shall not be made up by the attendance of the Chief-Justice or an associate justice of the Supreme Court and circuit judges, one or more district judges within the circuit shall be competent to sit in the court according to such order or provision among the district judges as either by general or particular assignment shall be designated by the court:
- No judge to sit on appeal from his own decision. *Provided*, That no justice or judge before whom a cause or question may have been tried or heard in a district court, or existing circuit court, shall sit on the trial or hearing of such cause or question in the circuit court of appeals.
- Terms. A term shall be held annually by the circuit court of appeals in the several judicial circuits at the following places:
 In the first circuit, in the city of Boston;
 In the second circuit, in the city of New York;
 In the third circuit, in the city of Philadelphia;
 In the fourth circuit, in the city of Richmond;
 In the fifth circuit, in the city of New Orleans;
 In the sixth circuit, in the city of Cincinnati;
 In the seventh circuit, in the city Chicago;
 In the eighth circuit, in the city of Saint Louis;
 In the ninth circuit, in the city of San Francisco;
 And in such other places in each of the above circuits as said court may from time to time designate.
- in other places. The first terms of said courts shall be held on the second Monday in January (2), eighteen hundred and ninety-one, and thereafter at such times as may be fixed by said courts
- First term.

SEC. 4. That no appeal, whether by writ of error or otherwise, shall hereafter be taken or allowed from any district court to the existing circuit courts, and no appellate jurisdiction shall hereafter be exercised or allowed by said existing circuit courts,

But all appeals by writ of error otherwise, from said district courts shall only be subject to review in the Supreme Court of the United States or in the circuit court of appeals hereby established, as is hereinafter provided, and the review, by appeal, by writ of error, or otherwise, from the existing circuit courts shall be had only in the Supreme Court of the United States or in the circuit courts of appeals hereby established according to the provisions of this act regulating the same.

SEC. 5. That appeals or writs of error may be taken from the district courts or from the existing circuit courts direct to the Supreme Court in the following cases:

In any case in which the jurisdiction of the court is in issue; in such cases the question of jurisdiction alone shall be certified to the Supreme Court from the court below for decision.

From the final sentences and decrees in prize causes.

In cases of conviction of a capital or otherwise infamous crime.

In any case that involves the construction or application of the Constitution of the United States.

In any case in which the constitutionality of any law of the United States, or the validity or construction of any treaty made under its authority, is drawn in question.

In any case in which the constitution or law of a State is claimed to be in contravention of the Constitution of the United States.

Nothing in this act shall affect the jurisdiction of the Supreme Court in cases appealed from the highest court of a State, nor the construction of the statute providing for review of such cases.

SEC. 6. That the circuit courts of appeals established by this act shall exercise appellate jurisdiction to review by appeal or by writ of error final decision in the district court and the existing circuit courts in all cases other than those provided for in the preceding section of this act, unless otherwise provided by law,

And the judgments or decrees of the circuit courts of appeals shall be final in all cases in which the jurisdiction is dependent entirely upon the opposite parties to the suit or controversy, being aliens and citizens of the United States or citizens of different States; also in all cases arising under the patent laws, under the revenue laws, and under the criminal laws and in admiralty cases,

Excepting that in every such subject within its appellate jurisdiction the circuit court of appeals at any time may certify to the Supreme Court of the United States any questions or propositions of law concerning which it desires the instruction of that court for its proper decision.

And thereupon the Supreme Court may either give its instruction on the questions and propositions certified to it, which shall be binding upon the circuit courts of appeals in such case, or it may require that the whole record and cause may be sent up to it for its consideration, and thereupon shall decide the whole matter in controversy in the same manner as if it had been brought there for review by writ of error or appeal.

And excepting also that in any such case as is hereinbefore made final in the circuit court of appeals it shall be competent for the Supreme Court to require, by certiorari or otherwise, any such case to be certified to the Supreme Court for its review and determination with the same power and authority in the case as if it had been carried by appeal or writ of error to the Supreme Court.

Existing circuit courts to have no appellate jurisdiction.

R. S., §§ 631-636.
Appeals from district and circuit courts to be to Supreme Court or Court of Appeals.

Appeals direct to Supreme Court, when.

— in questions of jurisdiction.

— prizes.

R. S., § 695.

— capital crimes, &c.

140 U. S., 200.

— constitutional questions.

— constitutionality of law of U. S., &c.

— constitutionality of State laws.

Appeals from State court.

R. S., § 709.

Circuit Court of Appeals,—jurisdiction.

47 Fed. Rep., 129.

— judgments final, in what cases.

— may certify questions to Supreme Court for instruction.

Proceedings in Supreme Court in such cases.

Certiorari to Supreme Court.

Appeals and writs of error in other cases.

— limitation.

Appeal from order granting injunction.
R. S., § 719.

— to be taken in 30 days.

Expenses of judge attending court of appeals.

Court rooms to be provided in public buildings.

— or leased.

Officers' compensation.

Cases reviewed by Supreme Court on appeal, &c., from district and circuit court, how remanded.
— from Circuit Court of Appeals.

— reviewed by Circuit Court of Appeals on appeal, &c., from district or circuit court.

Appeals, &c., to Circuit Court of Appeals, to be taken within 6 months.

— in less time in certain cases.

In all cases not hereinbefore, in this section, made final there shall be of right an appeal or writ of error or review of the case by the Supreme Court of the United States where the matter in controversy shall exceed one thousand dollars besides costs.

But no such appeal shall be taken or writ of error sued out unless within one year after the entry of the order, judgment, or decree sought to be reviewed.

SEC. 7. That where, upon a hearing in equity in a district court, or in an existing circuit court, an injunction shall be granted or continued by an interlocutory order or decree, in a cause in which an appeal from a final decree may be taken under the provisions of this act to the circuit court of appeals, an appeal may be taken from such interlocutory order or decree granting or continuing such injunction to the circuit court of appeals:

Provided, That the appeal must be taken within thirty days from the entry of such order or decree, and it shall take precedence in the appellate court; and the proceedings in other respects in the court below shall not be stayed unless otherwise ordered by that court during the pendency of such appeal.

SEC. 8. That any justice or judge, who, in pursuance of the provisions of this act, shall attend the circuit court of appeals held at any place other than where he resides shall, upon his written certificate, be paid by the marshal of the district in which the court shall be held his reasonable expenses for travel and attendance, not to exceed ten dollars per day, and such payments shall be allowed the marshal in the settlement of his accounts with the United States.

SEC. 9. That the marshals of the several districts in which said circuit court of appeals may be held shall, under the direction of the Attorney-General of the United States, and with his approval, provide such rooms in the public buildings of the United States as may be necessary, and pay all incidental expenses of said court, including criers, bailiffs, and messengers:

Provided, however, That in case proper rooms can not be provided in such buildings, then the said marshals, with the approval of the Attorney-General of the United States, may, from time to time, lease such rooms as may be necessary for such courts.

That the marshals, criers, clerks, bailiffs, and messengers shall be allowed the same compensation for their respective services as are allowed for similar services in the existing circuit courts.

SEC. 10. That whenever on appeal or writ of error or otherwise a case coming directly from the district court or existing circuit court shall be reviewed and determined in the Supreme Court the cause shall be remanded to the proper district or circuit court for further proceedings to be taken in pursuance of such determination.

And whenever on appeal or writ of error or otherwise a case coming from a circuit court of appeals shall be reviewed and determined in the Supreme Court the cause shall be remanded by the Supreme Court to the proper district or circuit court for further proceedings in pursuance of such determination.

Whenever on appeal or writ of error or otherwise a case coming from a district or circuit court shall be reviewed and determined in the circuit court of appeals in a case in which the decision in the circuit court of appeals is final such cause shall be remanded to the said district or circuit court for further proceedings to be there taken in pursuance of such determination.

SEC. 11. That no appeal or writ of error by which any order, judgment, or decree may be reviewed in the circuit court of appeals under the provisions of this act shall be taken or sued out except within six months after the entry of the order, judgment, or decree ought to be reviewed:

Provided however, That in all cases in which a lesser time is now by law limited for appeals or writs of error such limits of time shall

apply to appeals or writs of error in such cases taken to or sued out from the circuit courts of appeals.

And all provisions of law now in force regulating the methods and system of review, through appeals or writs of error, shall regulate the methods and system of appeals and writs of error provided for in this act in respect of the circuit courts of appeals, including all provisions for bonds or other securities to be required and taken on such appeals and writs of error,

And any judge of the circuit courts of appeals, in respect of cases brought or to be brought to that court, shall have the same powers and duties as to the allowance of appeals or writs of error, and the conditions of such allowance, as now by law belong to the justices or judges in respect of the existing courts of the United States respectively.

SEC. 12. That the circuit court of appeals shall have the powers specified in section seven hundred and sixteen of the Revised Statutes of the United States.

SEC. 13. Appeals and writs of error may be taken and prosecuted from the decisions of the United States court in the Indian Territory to the Supreme Court of the United States, or to the circuit court of appeals in the eighth circuit, in the same manner and under the same regulations as from the circuit or district courts of the United States, under this act.

SEC. 14. That section six hundred and ninety-one of the Revised Statutes of the United States and section three of an act entitled "An act to facilitate the disposition of cases in the Supreme Court, and for other purposes," approved February sixteen, eighteen hundred and seventy-five, be, and the same are hereby repealed (3). And all acts and parts of acts relating to appeals or writs of error inconsistent with the provisions for review by appeals or writs of error in the preceding sections five and six of this act are hereby repealed.

SEC. 15. That the circuit court of appeal in cases in which the judgments of the circuit courts of appeal are made final by this act shall have the same appellate jurisdiction, by writ of error or appeal, to review the judgments, orders, and decrees of the supreme courts of the several Territories as by this act they may have to review the judgments, orders, and decrees of the district court and circuit courts; and for that purpose the several Territories shall, by orders of the Supreme court, to be made from time to time, be assigned to particular circuits. [March 3. 1891].

NOTE.—(3) But by 1891, March 3, Res. No. 17, *post*, p. 956, jurisdiction is saved in all cases in which the writ of error or appeal is sued out or taken before July 1, 1891.

— method of, to be repeated by existing law.

R. S., §§ 997-1013.

— may be allowed by any judge of that court.

Issue of writs. R. S., § 716.

Appeals, &c., from Indian Territory Court.

1889, Mar. 1, ch. 333, *ante*, p. 670.

1890, May 21, ch. 182, §§ 29, 30, *ante*, pp. 731, 732.

Repeal of R. S., § 691.

1875, Feb. 16, ch. 77, § 3, *ante*, p. 63, and 18 Stat. L., 316.

Appeals, &c., from Territorial courts to be to Circuit Court of Appeals, in what cases.

139 U. S., 707.

CHAP. 519.—An act to provide for ocean mail service between the United States and foreign ports, and to promote commerce.

March 3, 1891.

26 Stat. L., 830.

Be it enacted, &c., That the Postmaster-General is hereby authorized and empowered to enter into contracts for a term not less than five nor more than ten years in duration, with American citizens, for the carrying of mails on American steamships, between ports of the United States and such ports in foreign countries, the Dominion of Canada excepted, as in his judgment will best subserve and promote the postal and commercial interests of the United States, the mail service on such lines to be equitably distributed among the Atlantic, Mexican Gulf and Pacific ports. Said contracts shall be made with the lowest responsible bidder for the performance of said service on each route, and the Postmaster-General shall have the right to reject all bids not in his opinion reasonable for the attaining of the purposes named.

SEC. 2. That before making any contract for carrying ocean mails in accordance with this act the Postmaster General shall give public

Contracts for carrying mails on American vessels, to be made by Postmaster-General.

R. S., §§ 4007, 4008.

Advertisements.

notice by advertising once a week, for three months, in such daily papers as he shall select in each of the cities of Boston, New York, Philadelphia, Baltimore, New Orleans, Saint Louis, Charleston, Norfolk, Savannah, Galveston, and Mobile, and when the proposed service is to be on the Pacific Ocean, then in San Francisco, Tacoma, and Portland.

—contents of.

Such notice shall describe the route, the time when such contract will be made, the duration of the same, the size of the steamers to be used, the number of trips a year, the times of sailing, and the time when the service shall commence, which shall not be more than three years after the contract shall be let.

—details.

R. S., §§ 2941-2963.

The details of the mode of advertising and letting such contracts shall be conducted in the manner prescribed in chapter eight of title forty-six of the Revised Statutes for the letting of inland mail contracts so far as the same shall be applicable to the ocean mail service.

Vessels to be American built, owned and officered.

SEC. 3. That the vessels employed in the mail service under the provisions of this act shall be American built steam-ships, owned and officered by American citizens, in conformity with the existing laws, or so owned and officered and registered according to law, and upon each departure from the United States the following proportion of the crew shall be citizens of the United States, to wit:

—crews.

During the first two years of such contract for carrying the mails, one-fourth thereof; during the next three succeeding years, one third thereof; and during the remaining time of the continuance of such contract at least one-half thereof;

—construction.

And shall be constructed after the latest and most approved types, with all the modern improvements and appliances for ocean steamers.

Classification.

First class.

They shall be divided into four classes.

The first class shall be iron or steel screw steamships, capable of maintaining a speed of twenty knots an hour at sea in ordinary weather, and of a gross registered tonnage of not less than eight thousand tons.

—no other to be accepted for service with Great Britain.

No vessel except of said first class shall be accepted for said mail service under the provisions of this act between the United States and Great Britain.

Second class.

The second class shall be iron or steel steamships, capable of maintaining a speed of sixteen knots an hour at sea in ordinary weather, and of a gross registered tonnage of not less than five thousand tons.

Third class.

The third class shall be iron or steel steamships, capable of maintaining a speed of fourteen knots an hour at sea in ordinary weather, and of a gross registered tonnage of not less than two thousand five hundred tons.

Fourth class.

The fourth class shall be iron or steel or wooden steam-ships, capable of maintaining a speed of twelve knots an hour at sea in ordinary weather, and of a gross registered tonnage of not less than fifteen hundred tons.

Vessels may carry passengers, &c.

It shall be stipulated in the contract or contracts to be entered into for the said mail service that said vessels may carry passengers with their baggage in addition to said mails and may do all ordinary business done by steam-ships.

—to be constructed so as to be converted into naval cruisers.

SEC. 4. That all steam-ships of the first, second, and third classes employed as above and hereafter built shall be constructed with particular reference to prompt and economical conversion into auxiliary naval cruisers, and according to plans and specifications to be agreed upon by and between the owners and the Secretary of the Navy, and they shall be of sufficient strength and stability to carry and sustain the working and operation of at least four effective rifled cannon of a caliber of not less than six inches, and shall be of the highest rating known to maritime commerce.

And all vessels of said three classes heretofore built and so employed shall, before they are accepted for the mail service herein provided for, be thoroughly inspected by a competent naval officer or constructor detailed for that service by the Secretary of the Navy; and such officer shall report, in writing, to the Secretary of the Navy, who shall transmit said report to the Postmaster-General;

—to be inspected by naval officer.

And no such vessel not approved by the Secretary of the Navy as suitable for the service required shall be employed by the Postmaster-General as provided for in this act.

—and approved by Secretary of Navy.

SEC. 5. That the rate of compensation to be paid for such ocean mail service of the said first-class ships shall not exceed the sum of four dollars a mile,

Compensation of first class. R. S., § 4009.

And for the second-class ships two dollars a mile, by the shortest practicable route, for each outward voyage;

—second class.

For the third-class ships shall not exceed one dollar a mile.

—third class.

And for the fourth-class ships two thirds of one dollar a mile for the actual number of miles required by the Post Office Department to be traveled on each outward bound voyage:

—fourth class.

Provided, That in the case of failure from any cause to perform the regular voyages stipulated for in said contracts or any of them, a pro rata deduction shall be made from the compensation on account of such omitted voyage or voyages;

—deductions for failure, when.

And that suitable fines and penalties may be imposed for delays or irregularities in the due performance of service according to the contract, to be determined by the Postmaster-General:

Fines and penalties. R. S., § 4010.

Provided further, That no steam-ship so employed and so paid for carrying the United States mails shall receive any other bounty or subsidy from the Treasury of the United States.

No other subsidy for such vessels.

SEC. 6. That upon each of said vessels the United States shall be entitled to have transported, free of charge, a mail-messenger, whose duty it shall be to receive, sort, take in charge and deliver the mails to and from the United States, and who shall be provided with suitable room for the accommodation of himself and the mails.

Mail messenger to be carried free.

SEC. 7. That officers of the United States Navy may volunteer for service on said mail vessels, and when accepted by the contractor or contractors may be assigned to such duty by the Secretary of the Navy whenever in his opinion such assignment can be made without detriment to the service, and while in said employment they shall receive furlough pay from the Government, and such other compensation from the contractor or contractors as may be agreed upon by the parties :

Naval officers may serve on mail vessels with furlough pay.

Provided, That they shall only be required to perform such duties as appertain to the merchant service.

—duties.

SEC. 8. That said vessels shall take, as cadets or apprentices, one American-born boy under twenty-one years of age for each one thousand tons gross register, and one for each majority fraction thereof, who shall be educated in the duties of seamanship, rank as petty officers, and receive such pay for their services as may be reasonable.

Apprentices to be taken.

SEC. 9. That such steamers may be taken and used by the United States as transports or cruisers, upon payment to the owners of the fair actual value of the same at the time of the taking, and if there shall be a disagreement as to the fair actual value of the same at the time of the taking, and if there shall be a disagreement as to the fair actual between the United States and the owners, then the same shall be determined by two impartial appraisers, one to be appointed by each of said parties, they at the same time selecting a third, who shall act in said appraisement in case the two shall fail to agree. [March 3, 1891.]

Payment when taken as cruisers.

March 3, 1891.

26 Stat. L., 833.

Export cattle. Rules for humane treatment to be made by Secretary of Agriculture.

1884, May 29, ch. 60, §§ 4, 5, *ante*, p. 486.

1891, Mar. 3, ch. 555, *post*, p. 937.

Penalties for violations.

CHAP. 521.—An act to provide for the safe transport and humane treatment of export cattle from the United States to foreign countries, and for other purposes.

Be it enacted, &c., That the Secretary of Agriculture is hereby authorized to examine all vessels which are to carry export cattle from the ports of the United States to foreign countries, and to prescribe by rules and regulations or orders the accommodations which said vessels shall provide for export cattle, as to space, ventilation, fittings, food and water supply and such other requirements as he may decide to be necessary for the safe and proper transportation and humane treatment of such animals.

SEC. 2. That whenever the owner, owners, or master of any vessel carrying export cattle shall wilfully violate or cause or permit to be violated any rule, regulation or order made pursuant to the foregoing section the vessel in respect of which such violation shall occur may be prohibited from again carrying cattle from any port of the United States for such length of time, not exceeding one year, as the Secretary of Agriculture may direct, and such vessel shall be refused clearance from any port of the United States accordingly. [March 3, 1891.]

March 3, 1891.

26 Stat. L., 836.

Enfield, Conn., made a port of delivery in Hartford district.

1887, Mar. 3, ch. 348, § 1, *substitute* for R. S., § 2533, par. 3.

—with privilege of immediate transportation.

1880, June 10, ch. 190, § 7, *ante*, p. 294.

CHAP. 525.—An act to make Enfield, Connecticut, a port of delivery in the district of Hartford.

Be it enacted, &c., That in addition to the places designated in the act of March third, eighteen hundred and eighty-seven, as ports of delivery, the town of Enfield, village of Thompsonville, in the State of Connecticut, within the said district of Hartford, is hereby constituted a port of delivery within the meaning of said act of March third, eighteen hundred and eighty-seven, and of the act to which said act of March third, eighteen hundred and eighty-seven, is an amendment.

SEC. 2. That the privileges of the seventh section of the act of June tenth, eighteen hundred and eighty, entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," be, and they hereby are, extended to the said town of Enfield, village of Thompsonville, district and State aforesaid. [March 3, 1891.]

March 3, 1891.

26 Stat. L., 839.

United States prisons—sites to be purchased for three.

R. S., §§ 5536–5550.

Workshops and employment of prisoners.

CHAP. 529.—An act for the erection of United States prisons and for the imprisonment of United States prisoners, and for other purposes.

Be it enacted, &c., That the Attorney General and Secretary of the Interior be, and are hereby, authorized and directed to purchase three sites, two of which shall be located as follows: one north, the other south of the thirty-ninth degree of north latitude and east of the Rocky Mountains, the third site to be located west of the Rocky Mountains, and the same to be located geographically as to be most easy of access to the different portions of the country, and cause to be erected thereon suitable buildings for the confinement of all persons convicted of any crime whose term of imprisonment is one year or more at hard labor by any court of the United States in any State, Territory, or District under the jurisdiction of the Department of Justice of the United States, and the plans, specifications, and estimates of such sites and buildings shall be previously made and approved according to law, and shall not exceed the sum of five hundred thousand dollars each.

SEC. 2. That the sum of one hundred thousand dollars is further appropriated, to be expended under the direction of the Attorney General, in the fitting of workshops for the employment of the prisoners;

Provided, however, That the convicts be employed exclusively in the manufacture of such supplies for the Government as can be manufactured without the use of machinery, and the prisoners shall not be worked outside the prison enclosure.

Convicts, how to be employed.

SEC. 3. That the Attorney General and the Secretary of the Interior be, and are hereby, authorized to select the State, District, or Territory in which to locate and erect the prisons: *Provided,* That the consent of the authorities of such State, District, or Territory be first obtained.

Locality, how selected.

SEC. 4. That the control and management of said prisons be vested in the Attorney-General, who shall have power to appoint a superintendent, assistant superintendent, warden, keeper, and all other officers necessary for the safe-keeping, care, protection, and discipline of such United States prisoners.

Officers.

He shall also have authority to promulgate such rules for the government of the officials of said prisons and prisoners as he may deem proper and necessary.

Rules.

SEC. 5. That the transportation of all United States prisoners convicted of crimes against the laws of the United States in any State, District or Territory, and sentenced to terms of imprisonment in a penitentiary, and their delivery to the superintendent, warden, or keeper of such United States prisons, shall be by the marshal of the District or Territory where such conviction may occur, after the erection and completion of said prisons.

Transportation of prisoners.

That the actual expenses of such marshal, including transportation and subsistence, hire, transportation and subsistence of guards, and the transportation and subsistence of the convict or convicts, be paid, on the approval of the Attorney General out of the judiciary fund.

Expenses.
R. S., § 829.

SEC. 6. That every prisoner when discharged from the jail and prison shall be furnished with transportation to the place of his residence within the United States at the time of his commitment under sentence of the court, and if the term of his imprisonment shall have been for one year or more, he shall also be furnished with suitable clothing, the cost not to exceed twelve dollars, and five dollars in money.

Discharged prisoners to be transported home, and furnished clothing and \$5.

1875, Mar. 3, ch. 145, § 2, ante, p. 9.

SEC. 7. That this act shall not apply to minors, who, in the judgment of the judges presiding over United States courts, should be committed to reformatory institutions.

Minors may be committed to reformatories.

And provided, That nothing in this act shall be construed as prohibiting the courts of the United States from sentencing to or confining prisoners, either civil or military, in the United States military prison at Fort Leavenworth, Kansas.

Military prison.
1874, May 21, ch. 186, ante, p. 9.

SEC. 8. That the said Attorney General, in formulating rules and regulations for the conduct of said prisons, is hereby authorized to establish rules for commutation for good behavior of said convicts, but not for a longer time than two months for the first year's imprisonment, and two months for each succeeding year.

Commutation for good behavior.
1875, Mar. 3, ch. 145, § 1, ante, p. 89.

SEC. 9. That the Attorney-General shall be authorized to designate to which of said prisons persons convicted in such States or Territories shall be carried for confinement:

Prisons to be designated by the Attorney-General.

Provided, That in the construction of the prison buildings provided for in this act there shall be such arrangement of cells and yard space as that prisoners under twenty years of age shall not be in any way associated with prisoners above that age, and the management of the class under twenty years of age shall be as far as possible reformatory. [March 3, 1891.]

Youthful prisoners to be separated.

March 3, 1891.

26 Stat. L., 841.

Junk dealers,
&c., D. C., license
tax on.

CHAP. 531.—An act relating to junk dealers, dealers in second-hand personal property, and pawnbrokers in the District of Columbia.

Be it enacted, &c., That the act of the late legislative assembly of the District of Columbia approved August twenty-third, eighteen hundred and seventy-one, entitled "An act imposing a license on trades, business, and professions practiced or carried on in the District of Columbia," be, and the same is hereby, amended as follows; that is to say, by striking out all of paragraph thirty-two of section twenty-one of said act and inserting in lieu thereof the following:

"32. Junk dealers and dealers in second-hand personal property of any kind or description whatsoever shall pay to the District of Columbia a license tax of forty dollars annually.

98.
Every person whose business it is to buy or sell old iron, rags, paper, second-hand clothing, or any second-hand personal property of any kind or description whatsoever, shall be subject to the provisions of this act and to all the laws and regulations now in force in the District of Columbia and to all the valid regulations which may hereafter be provided relating to junk dealers or dealers in second-hand personal property:

Provided, nevertheless, That no sale shall be made by junk dealers and dealers in second-hand personal property in their possession until after the expiration of ten days from and after the time at which report has been made to the major of police of the purchase thereof, as provided by the police regulations of the District of Columbia."

SEC. 2. That section seven of chapter four hundred and thirteen of the second session of the Fiftieth Congress, entitled "An act to regulate pawnbrokers in the District of Columbia," approved March second, eighteen hundred and eighty-nine, is hereby repealed, and the following is enacted in lieu thereof:

SEC. 7. That no pawnbroker shall ask, demand, or receive a greater rate of interest than three per centum per month on any loan secured by pledge of personal property, under penalty of one hundred dollars for every such offense, to be recovered for the use of the District of Columbia:

Provided, however, That where the loan is secured by the pledge of personal property requiring extra care to prevent injury during disuse a pawnbroker may charge such reasonable sum for storing or taking care of the same as the Commissioners for the District of Columbia may from time to time prescribe."

SEC. 3. That all prosecutions under said chapter four hundred and thirteen of the second session of the Fiftieth Congress, and amendments thereof, shall be upon the information of the attorney for, and in the name of, the District of Columbia:

Provided, however, That the provisions of this act shall not apply to dealers in second-hand books, or to the business of dealing in second-hand books. [March 3, 1891.]

March 3, 1891.

26 Stat. L., 844.

CHAP. 534.—An act relating to the treaty of reciprocity with the Hawaiian Islands.

Reciprocity treaty with Hawaii not impaired by tariff act. Treaties, 1875, Jan. 30, (19 Stat. L., 625); 1884, Dec. 6, (25 Stat. L., 1399).

1890, Oct. 1, ch. 1244, note (1), §§ 1, 3, ante, pp. 812-847, 856, 857.

Be it enacted, &c., That nothing in the act approved October first, eighteen hundred and ninety, entitled "An act to reduce the revenue and equalize duties on imports, and for other purposes," shall be held to repeal or impair the provisions of the convention respecting commercial reciprocity concluded January thirtieth, eighteen hundred and seventy-five, with the King of the Hawaiian Islands, and extended by the convention proclaimed November ninth, eighteen hundred and eighty-seven; and the provisions of said convention shall be in full force and effect as if said act had not passed. [March 3, 1891.]

1876, Aug. 15, ch. 290, ante, p. 129.

—sales not to be made by, till after report to police.

Pawnbrokers to take only 3 per cent. a month interest.

Substitute for 1889, March 2, ch. 413, § 7, ante, p. 700, and 25 Stat. L., 1007.

—and storage of property requiring extra care.

Prosecutions to be in name of D. C., &c.

Dealers in second-hand books excepted.

CHAP. 536.—An act to define the jurisdiction of the police court of the District of Columbia.

March 3, 1891.

Be it enacted, &c., That section ten hundred and forty-nine of the Revised Statutes of the United States relating to the District of Columbia be, and is hereby, amended so as to read as follows:

The police court of the District of Columbia shall have original jurisdiction concurrently with the supreme court of the District of Columbia, of all crimes and offences hereafter committed against the United States, not capital or otherwise infamous, and not punishable by imprisonment in a penitentiary, committed within the District of Columbia, except libel conspiracy, and violations of the post office and pension laws of the United States; and also of all offences hereafter committed against the laws, ordinances, and regulations of the District of Columbia, and shall have power to examine and commit or hold to bail, either for trial or further examination, in all cases whether cognizable therein or in the supreme court of the District of Columbia.

SEC. 2. That prosecutions in the police court shall be on information by the proper prosecuting officer.

In all prosecutions within the jurisdiction of said court in which according to the Constitution of the United States, the accused would be entitled to a jury trial the trial shall be by jury.

And also in all prosecutions in which such persons would not be by force of the Constitution of the United States entitled to a trial by jury, but in which the fine or penalty may be fifty dollars or more or imprisonment for thirty days or more the trial shall be by jury unless the accused shall, in open court, expressly waive such trial by jury and consent to a trial by the judge in which case the trial shall be by such judge, and the judgment and sentence shall have the same force and effect in all respects as if the same had been entered and pronounced on the verdict of a jury.

In all cases not hereinbefore in this section provided for, the trial shall be by a judge.

SEC. 3. That the jury for service in said court shall consist of twelve men, who shall possess the legal qualifications necessary for jurors in the Supreme court of the District of Columbia, and such jurors shall be drawn and selected under and in pursuance of the laws concerning the drawing and selection of jurors for service in said supreme court.

The term of service of jurors drawn for service in said police court shall be for three successive monthly terms of said court, and, in any case on trial at the expiration of such time, until a verdict shall have been rendered or the jury shall be discharged.

The said jury terms shall begin on the first Monday in January, the first Monday in April, the first Monday in July, and the first Monday in October of each year, and shall terminate, subject to the foregoing provisions, on the last Saturday of each of said jury terms;

And section eight hundred and seven of the Revised Statutes relating to the District of Columbia is hereby made applicable to and shall be in force in respect of said police court.

At least ten days before the term of service of such jurors shall begin, as in this act provided, such jurors shall be drawn in the manner in this act provided for, and at least twenty-six names so drawn shall be certified by the clerk of said supreme court to the said police court for service as jurors for the then ensuing jury term.

Deficiencies in any panel of any such jury may be filled according to the law applicable to jurors in said supreme court, and for this purpose the said police judge shall possess all the powers of a judge of the supreme court of said district and of said court sitting in special term.

No person shall be eligible for service on a jury in said police court for more than one jury term in any period of twelve consecutive

26 Stat. L., 848.
Police court, D. C., jurisdiction extended.

Substitute for R. S. of D. C., § 1049.

Prosecutions on information.

Jury trials.
127 U. S., 540.

—when may be waived.

Trials by judge.

Jury, how selected.

R. S. of D. C., 851-868.
1889, March 1, ch. 308, ante, p. 651.

—to serve three months.

Jury terms.

—to continue to finish pending trial.

R. S. of D. C., § 807.

Jurors, when and how drawn.

—vacancies, how filled.

R. S. of D. C., §§ 859, 862-865.

—eligibility.

months, but no verdict shall be set aside on such ground unless objection shall be made before the trial begins.

—not disqualified for supreme court.

Service in said jury shall not render any person so serving exempt, ineligible, or disqualified for service as a juror in said supreme court, except during his term of actual service in said police court.

—to be in charge of marshal.

The marshal of said district, by himself or deputy, shall have charge of such jury, and for that purpose he may appoint an additional deputy who shall be paid three dollars a day while so employed.

Judgments final.

SEC. 4. That in all cases tried before said court the judgment of the court shall be final, except as hereinafter provided.

Exceptions and writ of error.

If upon the trial of any such cause an exception be taken by or on behalf of any defendant to any ruling or instruction of the court upon matter of law the same shall be reduced to writing and stated in a bill of exceptions, with so much of the evidence as may be material to the question or questions raised, which said bill of exceptions shall be settled and signed by the judge, and if, upon presentation to any justice of the supreme court of the District of Columbia of a verified petition setting forth the matter or matters so excepted to, such justice shall be of opinion that the same ought to be reviewed, he may allow a writ of error in the cause, which shall issue out of the said supreme court, addressed to the judge of the police court, who shall forthwith send up the information filed in the cause and a transcript of the record therein, certified under the seal of said court, to said supreme court in general term for review and such action as the law may require.

—notice to be given.

Any defendant desiring the benefit of the provisions of this section shall give notice in open court of his intention to apply for a writ of error upon such exceptions,

—recognizance on.

And thereupon proceedings therein shall be stayed for ten days, provided the defendant shall then and there enter into recognizance with sufficient surety, to be approved by the judge of the police court, conditioned that in the event of a denial of his application for a writ of error he will, within five days next after the expiration of said ten days, appear in said police court and abide by and perform its judgment, and that in the event of the granting of such writ of error he will appear in said supreme court of the District of Columbia and prosecute the writ of error and abide by and perform its judgment in the premises.

Sentence to be executed on failure of recognizance.

Upon failure of any defendant to enter into the recognizance provided for in this section the sentence of the police court shall stand and be executed pending proceedings upon his application for a writ of error and until the final disposition thereof by the said supreme court.

Execution on forfeited recognizance.

SEC. 5. That if any such recognizance shall be forfeited the police court shall have power, on motion of the prosecuting officer, to issue execution thereon for the amount of such recognizance against the recognizers, or any of them.

Remission of penalties.

But said police court shall have power, on application made by the recognizers, or any of them, at any time before the final execution of such writ, to remit such amount of any such recognizance as he shall deem to be just, but not below the amount of any fine imposed and all the costs of the proceedings.

Additional judge to be appointed—salary.

SEC. 6. That the President is hereby authorized to appoint, by and with the advice and consent of the Senate, an additional judge of the police court of the District of Columbia, learned in the law, who shall receive a salary of three thousand dollars per annum, to be paid in the same manner as now provided by law for payment of the judge of said court.

R. S. of D. C., § 1042.

—powers.

The judge so appointed shall have and exercise all the powers possessed by the judge of said court as is or may be provided by law in common with said existing judge, and the business of said

court may be carried on by each of said judges sitting separately and simultaneously.

The judges of the police court shall hold separate sessions, and they are empowered to make rules for the apportionment of the business therein, and the acts of each of said judges respecting the business of said court shall be deemed and taken to be the acts of the said court. —to sit separately.

SEC. 7. That the judges of said court shall have power to appoint an additional ba[i]lliff for said service in said court who shall receive three dollars for each day's attendance upon the court, to be paid upon the certificate of the judges and as the other ba[i]lliffs of said court are now paid. Additional
bailliff.

The clerk of said court is hereby authorized, with the consent of the judges, to appoint an additional deputy clerk for service in said court, at a salary of one thousand five hundred dollars per annum, to be paid as the other deputy clerk of said court is now paid. —and deputy
clerk.

SEC. 8. [*Relates to past offenses.*] [March 3, 1891.]

CHAP. 538.—An act to provide for the adjudication and payment of claims arising from Indian depredations.

March 3, 1891.

26 Stat. L., 851.

Be it enacted, &c., That in addition to the (1) jurisdiction which now is, or may hereafter be, conferred upon the Court of Claims, said Court shall have and possess jurisdiction and authority to inquire into and finally adjudicate, in the manner provided in this act, all claims of the following classes, namely:

Indian depredation claims.
Court of Claims authorized to adjudicate:—

First. All claims for property of citizens of the United States taken or destroyed by Indians belonging to any band, tribe, or nation, in amity with the United States, without just cause or provocation on the part of the owner or agent in charge, and not returned or paid for.

—claims for property taken by Indians in amity.
R. S., § 2156.

Second. Such jurisdiction shall also extend to all cases which have been (2) examined and allowed by the Interior Department

—claims examined and allowed.

And also to such cases as were authorized to be examined under the act of Congress making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes for the year ending June thirtieth, eighteen hundred and eighty-six, and for other purposes, approved March third, eighteen hundred and eighty-five, and under subsequent acts, subject however to the limitations hereinafter provided. (3)

—claims heretofore authorized to be examined under certain acts.

NOTES.—(1) See note to 1897, March 3, ch. 369, ante, p. 559, on jurisdiction of the Court of Claims.

(2) See R. S., § 445, 446, 2098, 2156, 2157, and the acts cited in the following note.

(3) The provision referred to in the act of 1885, March 3, ch. 541 (26 Stat. L., 576), is as follows:

Indian depredations.

"Indian depredation claims. For the investigation of certain Indian depredation claims, ten thousand dollars, and in expending said sum the Secretary of the Interior shall cause a complete list of all claims heretofore filed in the Interior Department and which have been approved in whole or in part and now remain unpaid, and also all such claims as are pending but not yet examined, on behalf of citizens of the United States on account of depredations committed, chargeable against any tribe of Indians by reason of any treaty between such tribe and the United States, including the name and address of the claimants, the date of the alleged depredations, by what tribe committed, the date of examination and approval, with a reference to the date and clause of the treaty creating the obligation for payment, to be made and presented to Congress at its next regular session;

Secretary of Interior to make list of claims pending and report to Congress.

"And the Secretary is authorized and empowered, before making such report, to cause such additional investigation to be made and such further testimony to be taken as he may deem necessary to enable him to determine the kind and value of all property damaged or destroyed by reason of the depredations aforesaid, and by what tribe such depredations were committed; and his report shall include his determination upon each claim, together with the names and residences of witnesses and the testimony of each, and also what funds are now existing or to be derived by reason of treaty or other obligation out of which the same should be paid."

—to investigate claims.

Subsequent Indian appropriation acts contain the following provisions:

1896, May 15, ch. 333 (24 Stat. L., 44):

Investigation continued.

"Indian depredation claims: For continuing the investigation and examination of certain Indian depredation claims originally authorized, and in the manner therein provided for, by the Indian appropriation act approved March third, eighteen hundred and eighty-five, twenty thousand dollars;

"And the examination and report shall include claims, if any, barred by statute, such fact to be stated in the report;

—to include claims, if any, barred.

"And all claims whose examinations shall be completed by January first, eighteen hundred and eighty-seven, shall then be reported to Congress, with the opinions and conclusions of the Commissioner of Indian Affairs and the Secretary of the Interior upon all material facts, and all the evidence and papers pertaining thereto."

Report to Congress.

[Note continued on p. 914.]

Offsets and counter claims.

Third. All just offsets and counter claims to any claim of either of the preceding classes which may be before such court for determination.

Limitations waived.

SEC. 2. That all questions of limitations as to time and manner of presenting claims are hereby waived, and no claim shall be excluded from the jurisdiction of the court because not heretofore presented to the Secretary of the Interior or other officer or department of the Government:

No claims to be considered accruing before July 1, 1865, unless heretofore presented, with evidence.

Provided, That no claim accruing prior to July first, eighteen hundred and sixty-five, shall be considered by the court unless the claim shall be allowed or has been or is pending, prior to the passage of this act, before the Secretary of the Interior or the Congress of the United States, or before any superintendent, agent, sub-agent or commissioner, authorized under any act of Congress to enquire into such claims; but no case shall be considered pending unless evidence has been presented therein:

R. S., §§ 445, 466, 2156.

Petitions to be presented within three years.

And provided further, That all claims existing at the time of the taking effect of this act shall be presented to the court by petition, as hereinafter provided, within three years after the passage hereof, or shall be thereafter forever barred:

Future deprecations not included.

And provided further, That no suit or proceeding shall be allowed under this act for any deprecation which shall be committed after the passage thereof.

Petition, what to contain.

SEC. 3. That all claims shall be presented to the court by petition setting forth in ordinary and concise language, without unnecessary repetition, the facts upon which such claims are based, the persons, classes of persons, tribe or tribes, or band of Indians by whom the alleged illegal acts were committed, as near as may be, the property lost or destroyed, and the value thereof, and any other facts connected with the transactions and material to the proper adjudication of the case involved. The petition shall be verified by the affidavit of the claimant, his agent, administrator, or attorney, and shall be filed with the clerk of said court. It shall set forth the full name and residence of the claimant, the damages sought to be recovered, praying the court for a judgment upon the facts and the law.

R. S., § 1072.

Service of petition upon Attorney-General, who shall defend the Government and Indians.

SEC. 4. The service of the petition shall be made upon the Attorney-General of the United States in such manner as may be provided by the rules or orders of said court. It shall be the duty of the Attorney-General of the United States to appear and defend the interests of the Government and of the Indians in the suit, and within sixty days after the service of the petition upon him, unless the time shall be extended by order of the court made in the case, to file a plea, answer or demurrer on the part of the Government and the Indians, and to file a notice of any counterclaim, set-off, claim of damages, demand, or defense whatsoever of the Government or of the Indians in the premises:

Pleadings to be filed by Attorney-General within sixty days.

On failure of Attorney-General to plead, claimant may proceed, but no judgment without proof.

Provided, That should the Attorney-General neglect or refuse to file the plea, answer, demurrer, or defense as required, the claimant may proceed with the case under such rules as the court may adopt in the premises; but the claimant shall not have judgment for his claim, or for any part thereof, unless he shall establish the same by proof satisfactory to the court;

Investigation continued.

[Note continued from p. 913.]

1887, March 2, ch. 320 (24 Stat. L., 464):

"Indian deprecation claims: For continuing the investigation and examination of certain Indian deprecation claims originally authorized, and in the manner therein provided for, by the Indian appropriation act approved March third, eighteen hundred and eighty-five, twenty thousand dollars; "And the examination and report shall include claims, if any, barred by statute, such fact to be stated in the report;

"And all claims whose examination shall be completed by January first, eighteen hundred and eighty-eight, shall then be reported to Congress, with the opinions and conclusions of the Commissioner of Indian Affairs and the Secretary of the Interior upon all material facts, and all the evidence and papers pertaining thereto."

1888, June 29, ch. 508 (25 Stat. L., 234):

"For continuing the investigation and examination of certain Indian deprecation claims, originally authorized, and in the manner therein provided for, by the Indian appropriation acts approved March third, eighteen hundred and eighty-five, and March second, eighteen hundred and eighty-seven, twenty thousand dollars."

This is repeated in the same words by 1889, March 2, ch. 412 (25 Stat. L., 996); 1890, Aug. 19, ch. 807 (26 Stat. L., 356); and 1891, March 3, ch. 543 (26 Stat. L., 1009).

See § 13, *post*, p. 916.

Investigation continued.

Provided, That any Indian or Indians interested in the proceedings may appear and defend, by an attorney employed by such Indian or Indians with the approval of the Commissioner of Indian Affairs, if he or they shall choose so to do.

Indians may employ special attorney.

In considering the merits of claims presented to the court, any testimony, affidavits, reports of special agents or other officers, and such other papers as are now on file in the departments or in the courts, relating to any such claims, shall be considered by the court as competent evidence and such weight given thereto as in its judgment is right and proper:

Papers on file may be read as evidence.

Provided, That all unpaid claims which have heretofore been examined, approved, and allowed by the Secretary of the Interior, or under his direction, in pursuance of the act of Congress making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June thirtieth, eighteen hundred and eighty-six, and for other purposes, approved March third, eighteen hundred and eighty-five, and subsequent Indian appropriation acts, shall have priority of consideration by such court,

Certain allowed claims to have priority.

§ 1, and notes (2), (3), *ante*, p. 913.

And judgments for the amounts therein found due shall be rendered, unless either the claimant or the United States shall elect to re-open the case and try the same before the court, in which event the testimony in the case given by the witnesses and the documentary evidence, including reports of Department agents therein, may be read as depositions and proofs:

Judgments for amounts found due unless either party reopens.

Provided, That the party electing to re-open the case shall assume the burden of proof.

Burden of proof, if case reopened.

SEC. 5. That the said court shall make rules and regulations for taking testimony in the causes herein provided for, by deposition or otherwise, and such testimony shall be taken in the county where the witness resides, when the same can be conveniently done,

Rules for taking testimony to be made by court.

R. S., §§ 1075-1085.

And no person shall be excluded as a witness because he is party to or interested in said suit, and any claimant or party in interest may be examined as a witness on the part of the Government;

Parties made competent.

1887, Mar. 2, ch. 359, § 8, *ante*, p. 561.

That the court shall determine in each case the value of the property taken or destroyed at the time and place of the loss or destruction, and, if possible, the tribe of Indians or other persons by whom the wrong was committed, and shall render judgment in favor of the claimant or claimants against the United States, and against the tribe of Indians committing the wrong, when such can be identified.

Judgment to be rendered against the United States and Indians.

SEC. 6. That the amount of any judgment so rendered against any tribe of Indians shall be charged against the tribe by which, or by members of which, the court shall find that the depredation was committed, and shall be deducted and paid in the following manner:

Judgment to be charged against tribe.

Payment made, from what funds.

First, from annuities due said tribe from the United States;

Second, if no annuities are due or available, then from any other funds due said tribe from the United States, arising from the sale of their lands or otherwise;

Third, if no such funds are due or available, then from any appropriation for the benefit of said tribe, other than appropriations for their current and necessary support, subsistence and education;

And, fourth, if no such annuity, fund, or appropriation is due or available, then the amount of the judgment shall be paid from the Treasury of the United States:

Payments from Treasury to remain a charge against Indians.

Provided, That any amount so paid from the Treasury of the United States shall remain a charge against such tribe, and shall be deducted from any annuity, fund or appropriation hereinbefore designated which may hereafter become due from the United States to such tribe.

SEC. 7. That all judgments of said court shall be a final determination of the causes decided and of the rights and obligations of the parties thereto, and shall not thereafter be questioned unless a new

Judgments final. R. S., §§ 1092, 1093.

trial or rehearing shall be granted by said court, or the judgment reversed or modified upon appeal as hereafter provided.

List of judgments to be sent to Congress.

SEC. 8. That immediately after the beginning of each session of Congress the Attorney-General of the United States shall transmit to the Congress of the United States a list of all final judgments rendered in pursuance of this act, in favor of claimants and against the United States, and not paid as hereinbefore provided, which shall thereupon be appropriated for in the proper appropriation bill.

Sales and attorneys' contracts declared void.

SEC. 9. That all sales, transfers, or assignments of any such claims heretofore or hereafter made, except such as have occurred in the due administration of decedent's estates, and all contracts heretofore made for fees and allowances to claimants' attorneys are hereby declared void,

Warrants for judgments to be payable and delivered to claimants, except amount allowed attorneys.

And all warrants issued by the Secretary of the Treasury, in payment of such judgments, shall be made payable and delivered only to the claimant or his lawful heirs, executors or administrators or transferee under administrative proceedings, except so much thereof as shall be allowed the claimant's attorneys by the court for prosecuting said claim, which may be paid direct to such attorneys, and the allowances to the claimant's attorneys shall be regulated and fixed by the court at the time of rendering judgment in each case and entered of record as part of the findings thereof;

Maximum allowance to attorneys.

But in no case shall the allowance exceed fifteen per cent. of the judgment recovered, except in case of claims of less amount than five hundred dollars, or where unusual services have been rendered or expenses incurred by the claimant's attorney, in which case not to exceed twenty per cent. of such judgment shall be allowed by the court.

Appeal R. S., §§ 707, 708.

SEC. 10. That the claimant, or the United States, or the tribe of Indians, or other party thereto interested in any proceeding brought under the provisions of this act, shall have the same rights of appeal as are or may be reserved in the Statutes of the United States in other cases, and upon the conditions and limitations therein contained. The mode of procedure in claiming and perfecting an appeal shall conform, in all respects, as near as may be, to the statutes and rules of court governing appeals in other cases.

Papers, &c., in Departments and before Congress to be furnished the court.

R. S., § 1076.

SEC. 11. That all papers, reports, evidence, records and proceedings now on file or of record in any of the departments, or the office of the Secretary of the Senate, or the office of the Clerk of the House of Representatives, or certified copies of the same, relating to any claims authorized to be prosecuted under this act, shall be furnished to the court upon its order, or at the request of the Attorney-General.

Additional Assistant Attorney-General to be appointed.

R. S., § 348.

SEC. 12. To facilitate the speedy disposition of the cases herein provided for, in said Court of Claims, there shall be appointed, in the manner prescribed by law for the appointment of Assistant Attorney-Generals, one additional Assistant Attorney-General of the United States, who shall receive a salary of twenty-five hundred dollars per annum.

Investigation under acts heretofore in force, to cease.

SEC. 13. That the investigation and examinations, under the provisions of the (4) acts of Congress heretofore in force, of Indian depredation claims, shall cease upon the taking effect of this act, and the unexpended balance of the appropriation therefor shall be covered into the Treasury, except so much thereof as may be necessary for disposing of the unfinished business pertaining to the claims now under investigation in the Interior Department, pending the transfer of said claims and business to the Court or courts herein provided for, and for making such transfers and a record of the same, and for the proper care and custody of the papers and records relating thereto. [March 3, 1891.]

CHAP. 539.—An act to establish a court of private land claims, and to provide for the settlement of (1) private land claims in certain States and Territories.

March 3, 1891.

26 Stat. L., 854.

Be it enacted, &c., That there shall be, and hereby is, established a court to be called the court of private land claims, to consist of a chief justice and four associate justices, who shall be, when appointed, citizens and residents of some of the States of the United States, to be appointed by the President, by and with the advice and consent of the Senate, to hold their offices for the term expiring on the thirty-first day of December, anno Domini eighteen hundred and ninety-five; any three of whom shall constitute a quorum.

Court of private land claims established.

Said court shall have and exercise jurisdiction in the hearing and decision of private land claims according to the provisions of this act.

Jurisdiction over private land claims.

The chief justice and associate justices shall each receive a compensation of five thousand dollars per year, payable monthly, and their necessary traveling and personal expenses while engaged in the performance of their duties.

Compensation of justices.

The said court shall appoint a clerk, at a salary of two thousand dollars a year, who shall attend all the sessions of the court, and a deputy clerk, where regular terms of the court are held, at a salary of eight hundred dollars a year. The court shall also appoint a stenographer, at a salary of fifteen hundred dollars a year, who shall attend all the sessions of the court, and perform the duties required of him by the court.

Officers of court.

The said court shall have power to adopt all necessary rules and regulations for the transaction of its business and to carry out the provisions of this act; to issue any process necessary to the transaction of the business of said court, and to issue commissions to take depositions as provided in chapter seventeen of title thirteen of the Revised Statutes of the United States.

Rules of court.

Process.
Commissions to take depositions.
R. S., §§ 863-875.

Each of said justices shall have power to administer oaths and affirmations.

Oaths administered by judges.

It shall be the duty of the United States marshal for any district or Territory in which the court is held to serve any process of the said court placed in his hands for that purpose, and to attend the court in person or by deputy when so directed by the court.

United States marshals to serve process, and attend court.

The court shall hold such sessions in the States and Territories mentioned in this act as shall be needful for the purposes thereof, and shall give notice of the times and places of the holding of such sessions by publication in both the English and Spanish languages, in one newspaper published at the capital of such State or Territory, once a week for two successive weeks, the last of which publications shall be not less than thirty days next preceding the times of the holding of such sessions, but such sessions may be adjourned from time to time without such publication.

Sessions of court, where held.

Notice in English and Spanish.

SEC. 2. That there shall also be appointed by the President, by and with the advice and consent of the Senate, a competent attorney, learned in the law, who shall when appointed be a resident and citizen of some State of the United States, to represent the United States in said court. Such attorney shall receive a compensation of three thousand five hundred dollars per year, payable monthly, and his necessary traveling and personal expenses while engaged in the discharge of his duties.

U. S. Attorney to be appointed.

And there shall be appointed by the said court a person who shall be when appointed a citizen and resident of some State of the United States, skilled in the Spanish and English languages, to act as interpreter and translator in said court, to attend all the sessions thereof,

Interpreter and translator to be appointed.

NOTE.—(1) By the treaties with Mexico of Feb. 2, 1848, Art. 8 the treaty of Guadalupe Hidalgo (9 Stat. L., p. 115 of treaties), and of December 30, 1853, Art. 5 (10 Stat. L., 1035), the private property of Mexicans resident in the territory ceded thereby to the United States was guaranteed protection. The private titles to land rested upon Spanish and Mexican grants. By 1854, July 22, ch. 103, § 8 (11 Stat. L., 309), a method was provided for the investigation of such grants, looking to the confirmation of bona fide grants by act of Congress. Less than a hundred grants were finally settled under that law in nearly thirty-seven years, and this act (§ 15) now repeals it.

and to perform such other service as may be required of him by the court. Such person shall be entitled to a compensation of one thousand five hundred dollars per year, payable monthly, and his necessary traveling and personal expenses while engaged in the discharge of his duties.

Notice of organization of court to be published in newspaper in English and Spanish.

SEC. 3. That immediately upon the organization of said court the clerk shall cause notices thereof, and of the time and place of the first session thereof, to be published for a period of ninety days in one newspaper at the city of Washington and in one published at the capital of the State of Colorado and of the Territories of Arizona and New Mexico. Such notices shall be published in both the Spanish and English languages, and shall contain the substance of this act.

Records of General Land Office and surveyors-general to be produced in court.

1854, July 22, ch. 108, § 8 (10 Stat. L., 309).

SEC. 4. That it shall be the duty of the Commissioner of the General Land Office of the United States, the surveyors-general of such Territories and States, or the keeper of any public records who may have possession of any records and papers relating to any land grants or claims for lands within said States and Territories in relation to which any petition shall be brought under this act, on the application of any person interested, or by the attorney of the United States, to safely transmit such records and papers to said court or to attend in person or by deputy any session thereof when required by said court, and produce such records and papers.

Testimony of persons now dead, when to be admitted.

SEC. 5. That the testimony which has been heretofore lawfully and regularly received by the surveyor-general of the proper Territory or State or by the Commissioner of the General Land Office, upon any claims presented to them, respectively, shall be admitted in evidence in all trials under this act when the person testifying is dead, so far as the subject matter thereof is competent evidence; and the court shall give it such weight as, in its judgment, under all the circumstances, it ought to have.

Claimants under grants unconfirmed or not otherwise finally decided may petition court in jurisdiction where land is and where court is sitting.

SEC. 6. That it shall and may be lawful for any person or persons or corporation, or their legal representatives, claiming lands within the limits of the territory derived by the United States from the Republic of Mexico and now embraced within the Territories of New Mexico, Arizona, or Utah, or within the States of Nevada, Colorado, or Wyoming by virtue of any such Spanish or Mexican grant, concession, warrant, or survey as the United States are bound to recognize and confirm by virtue of the treaties of cession of said country by Mexico to the United States which at the date of the passage of this act have not been confirmed by act of Congress, or otherwise finally decided upon by lawful authority, and which are not already complete and perfect, in every such case to present a petition, in writing, to the said court in the State or Territory where said land is situated and where the said court holds its sessions,

Court to designate place of presenting other petitions.

But cases arising in the States and Territories in which the court does not hold regular sessions may be instituted at such place as may be designated by the rules of the court.

Contents of petition.

The petition shall set forth fully the nature of their claims to the lands, and particularly state the date and form of the grant, concession, warrant, or order of survey under which they claim, by whom made, the name or names of any person or persons in possession of or claiming the same, or any part thereof, otherwise than by the lease or permission of the petitioner; and also the quantity of land claimed and the boundaries thereof, where situate, with a map showing the same, as near as may be, and whether the said claim has heretofore been confirmed, considered, or acted upon by Congress or the authorities of the United States, or been heretofore submitted to any authorities constituted by law for the adjustment of land titles within the limits of the said territory so acquired, and by them reported on unfavorably or recommended for confirmation, or author-

ized to be surveyed or not; and pray in such petition that the validity of such title or claim may be inquired into and decided.

And the said court is hereby authorized and required to take and exercise jurisdiction of all cases or claims presented by petition in conformity with the provisions of this act, and to hear and determine the same, as in this act provided, on the petition and proofs in case no answer or answers be filed after due notice, or on the petition and the answer or answers of any person or persons interested in preventing any claim from being established, and the answer of the attorney for the United States where he may have filed an answer, and such testimony and proofs as may be taken;

And a copy of such petition, with a citation to any adverse possessor or claimant, shall, immediately after the filing of the same, be served on such possessor or claimant in the ordinary legal manner of serving such process in the proper State or Territory, and in like manner on the attorney for the United States; and it shall be the duty of the attorney for the United States, as also any adverse possessor or claimant, after service of petition and citation as hereinbefore provided, within thirty days, unless further time shall, for good cause shown, be granted by the court, or a judge thereof, to enter an appearance, and plead, answer, or demur to said petition;

And in default of such plea, answer, or demurrer being made within said thirty days, or within the further time which may have been granted as aforesaid, the court shall proceed to hear the cause on the petition and proofs, and render a final decree according to the provisions of this act, and in no case shall a decree be entered otherwise than upon full legal proof and hearing; and in every case the court shall require the petition to be sustained by satisfactory proofs, whether an answer or plea shall have been filed or not.

SEC. 7. That all proceedings subsequent to the filing of said petition shall be conducted as near as may be according to the practice of the courts of equity of the United States, except that the answer of the attorney of the United States shall not be required to be verified by his oath, and except that, as far as practicable, testimony shall be taken in court or before one of the justices thereof.

The said court shall have full power and authority to hear and determine all questions arising in cases before it relative to the title to the land the subject of such case, the extent, location, and boundaries thereof, and other matters connected therewith fit and proper to be heard and determined, and by a final decree to settle and determine the question of the validity of the title and the boundaries of the grant or claim presented for adjudication, according to the law of nations, the stipulations of the treaty concluded between the United States and the Republic of Mexico at the city of Guadalupe-Hidalgo, on the second day of February, in the year of our Lord, eighteen hundred and forty-eight, or the treaty concluded between the same powers at the city of Mexico, on the thirtieth day of December, in the year of our Lord, eighteen hundred and fifty-three, and the laws and ordinances of the Government from which it is alleged to have been derived, and all other questions properly arising between the claimants or other parties in the case and the United States, which decree shall in all cases refer to the treaty, law, or ordinance under which such claim is confirmed or rejected;

And in confirming any such claim, in whole or in part, the court shall in its decree specify plainly the location, boundaries, and area of the land the claim to which is so confirmed.

SEC. 8. That any person or corporation claiming lands in any of the States or Territories mentioned in this act under a title derived from the Spanish or Mexican Government that was complete and perfect at the date when the United States acquired sovereignty therein, shall have the right (but shall not be bound) to apply to

Jurisdiction and procedure upon filing petition.

Service upon adverse parties and the United States.

In default of pleadings, proofs to be filed and decree entered on proofs.

Proceedings after petition, according to equity practice in U. S. courts.

Court to finally determine title and location.

Treaty, 1848, Feb. 2, 9 Stat. L., 922.

Treaty, 1853, Dec. 30, 10 Stat. L., 1081.

Decree to specify location.

Claimants claiming under title perfect at date of cession may apply for confirmation.

said court in the manner in this act provided for other cases for a confirmation of such title;

Same procedure.

And on such application said court shall proceed to hear, try, and determine the validity of the same and the right of the claimant thereto, its extent, location and boundaries, in the same manner and with the same powers as in other cases in this act mentioned.

Limitation of confirmation of perfect title.

If in any such case, a title so claimed to be perfect shall be established and confirmed, such confirmation shall be for so much land only as such perfect title shall be found to cover, always excepting any part of such land that shall have been disposed of by the United States, and always subject to and not to affect any conflicting private interests, rights, or claims held or claimed adversely to any such claim or title, or adversely to the holder of any such claim or title.

Confirmation to release claim of United States, but not to affect private rights.

And no confirmation of claims or titles in this section mentioned shall have any effect other or further than as a release of all claim of title by the United States; and no private right of any person as between himself and other claimants or persons, in respect of any such lands, shall be in any manner affected thereby.

Petition by the United States against claimants who have not voluntarily appeared.

It shall be lawful for and the duty of the head of the Department of Justice, whenever in his opinion the public interest or the rights of any claimant shall require it, to cause the attorney of the United States in said court to file in said court a petition against the holder or possessor of any claim or land in any of the States or Territories mentioned in this act who shall not have voluntarily come in under the provisions of this act, stating in substance that the title of such holder or possessor is open to question, or stating in substance that the boundaries of any such land, the claimant or possessor to or of which has not brought the matter into court, are open to question, and praying that the title to any such land, or the boundaries thereof, if the title be admitted, be settled and adjudicated;

Procedure and effects of decision.

And thereupon the court shall, on such notice to such claimant or possessor as it shall deem reasonable, proceed to hear, try, and determine the questions stated in such petition or arising in the matter, and determine the matter according to law, justice, and the provisions of this act, but subject to all lawful rights adverse to such claimant or possessor, as between such claimant and possessor and any other claimant or possessor, and subject in this respect to all the provisions of this section applicable thereto.

Appeal to Supreme Court.

SEC. 9. That the party against whom the court shall in any case decide—the United States, in case of the confirmation of a claim in whole or in part, and the claimant, in case of the rejection of a claim, in whole or in part—shall have the right of appeal to the Supreme Court of the United States, such appeal to be taken within six months from date of such decision, and in all respects to be taken in the same manner and upon the same conditions, except in respect of the amount in controversy, as is now provided by law for the taking of appeals from decisions of the circuit courts of the United States.

Procedure on appeal.

On any such appeal the Supreme Court shall retry the cause, as well the issues of fact as of law, and may cause testimony to be taken in addition to that given in the court below, and may amend the record of the proceedings below as truth and justice may require; and on such retrial and hearing every question shall be open, and the decision of the Supreme Court thereon shall be final and conclusive. Should no appeal be taken as aforesaid the decree of the court below shall be final and conclusive.

If claim confirmed, notice to be given to Attorney-General.

Upon the rendition of any judgment of the court confirming any claim, it shall be the duty of the attorney of the United States to notify the Attorney-General, in writing of such judgment, giving him a clear statement of the case and the points decided by the court, which statement shall be verified by the certificate of the presiding judge of said court; and in any case in which such statement shall

not be received by the Attorney-General within sixty days next after the rendition of such judgment, the right of appeal on the part of the United States shall continue to exist until six months next after the receipt of such statement.

And if the Attorney-General shall so direct, it shall be the duty of the clerk of the court to transmit the record of any cause in which final judgment has been rendered to the Attorney-General for his examination. In all cases it shall be the duty of the Attorney-General to instruct the attorney for the United States what further course to pursue and whether or not an appeal shall be taken.

SEC. 10. That whenever any decision of confirmation shall become final, the clerk of the court in which the final decision shall be had shall certify that fact to the Commissioner of the General Land Office, with a copy of the decree of confirmation, which shall plainly state the location, boundaries, and area of the tract confirmed.

The said Commissioner shall thereupon without delay cause the tract so confirmed to be surveyed at the cost of the United States. When any such survey shall have been made and returned to the surveyor-general of the respective Territory or State, and the plat thereof completed, the surveyor-general shall give notice that same has been done, by publication once a week, for four consecutive weeks in two newspapers, one published at the capital of the Territory or State and the other (if any such there be) published near the land so surveyed, such notices to be published in both the Spanish and English languages; and the surveyor-general shall retain such survey and plat in his office for public inspection for the full period of ninety days from the date of the first publication of notice in the newspaper published at the capital of the Territory or State.

If, at the expiration of such period, no objection to such survey shall have been filed with him, he shall approve the same and forward it to the Commissioner of the General Land Office.

If, within the said period of ninety days, objections are made to such survey, either by any party claiming an interest in the confirmation or by any party claiming an interest in the tract embraced in the survey or any part thereof, such objection shall be reduced to writing, stating distinctly the interest of the objector and the grounds of his objection, and signed by him or his attorney, and filed with the surveyor-general, with such affidavits or other proofs as he may produce in support of his objection. At the expiration of the said ninety days the surveyor-general shall forward such survey, with the objections and proofs filed in support of or in opposition to such objections, and his report thereon, to the Commissioner of the General Land Office.

Immediately upon receipt of any such survey, with or without objections thereto, the said Commissioner shall transmit the same with all accompanying papers, to the court in which the final decision was made for its examination of the survey and of any objections and proofs that may have been filed, or shall be furnished; and the said court shall thereupon determine if the said survey is in substantial accordance with the decree of confirmation.

If found to be correct, the court shall direct its clerk to indorse upon the face of the plat its approval. If found to be incorrect, the court shall return the same for correction in such particulars as it shall direct.

When any survey is finally approved by the court, it shall be returned to the Commissioner of the General Land Office, who shall as soon as may be cause a patent to be issued thereon to the confirmee.

One half of the necessary expenses of making the survey and plat provided for in this section, and in respect of which a patent shall be ordered to be issued, shall be paid by the claimant or patentee, and shall be a lien on said land, which may be enforced by the sale

Record to be sent to Attorney-General.

Final decree of confirmation to be certified to Commissioner of General Land Office.

Survey of confirmed tract and proceedings thereon.

If no objections filed survey to be approved and sent to General Land Office.

If objected to, survey to be forwarded with objections, proofs, and report.

Commissioner of General Land Office to transmit survey to court.

Action thereon.

Issue of patent.

Payment of expenses of survey. R. S., § 2400. 1875, March 3, ch. 130, par. 10.

ante, p. 73. 1876, July 31, ch. 246, par. 7, *ante*, p. 115. 1885, March 3, ch. 360, par. 2, *ante*, p. 486.

Claim of city, town, or village.

of so much thereof as may be necessary for that purpose, after a default of payment thereof for six months next after the approval of such survey and plat; and no patent shall issue until such payment.

SEC. 11. That the provisions of this act shall extend to any city lot, town lot, village lot, farm lot, or pasture lot claimed directly or mediately under any grant which may be entitled to confirmation by the United States, for the establishment of a city, town, or village, by the Spanish or Mexican Government, or the lawful authorities thereof; but the claim for said city, town, or village shall be presented by the corporate authorities of the said city, town, or village; or where the land upon which said city, town, or village is situated was originally granted to an individual the claim shall be presented by or in the name of said individual or his legal representatives.

Neglect to file petition under § 6 in two years, a bar.

SEC. 12. That all claims mentioned in section six of this act which are by the provisions of this act authorized to be prosecuted shall, at the end of two years from the taking effect of this act, if no petition in respect to the same shall have then been filed as hereinbefore provided, be deemed and taken, in all courts and elsewhere, to be abandoned and shall be forever barred:

Persons under disability.

Provided, That in any case where it shall come to the knowledge of the court that minors, married women, or persons non compos mentis are interested in any land claim or matter brought before the court it shall be its duty to appoint a guardian ad litem for such persons under disability and require a petition to be filed in their behalf, as in other cases, and if necessary to appoint counsel for the protection of their rights.

Powers in vacation.

The judges, respectively, of said court are hereby authorized in all cases arising under this act to grant in vacation all orders for taking testimony, and otherwise to hear and dispose of interlocutory motions not affecting the substantial merits of a case.

Powers of court as to order, papers, witnesses, and contempt.

And said court shall have and possess all the powers of a circuit court of the United States in preserving order, compelling the production of books, papers, and documents, the attendance of witnesses, and in punishing contempts.

Rules of decision.

SEC. 13. That all the foregoing proceedings and rights shall be conducted and decided subject to the following provisions as well as to the other provisions of this act, namely:

No claim allowed unless title lawfully and regularly derived from Spain or Mexico, and, if not perfect at cession, unless U. S. is bound to respect.

First. No claim shall be allowed that shall not appear to be upon a title lawfully and regularly derived from the Government of Spain or Mexico, or from any of the States of the Republic of Mexico having lawful authority to make grants of land, and one that if not then complete and perfect at the date of the acquisition of the territory by the United States, the claimant would have had a lawful right to make perfect had the territory not been acquired by the United States, and that the United States are bound upon the principles of public law, or by the provisions of the treaty of cession, to respect and permit to become complete and perfect if the same was not at said date already complete and perfect.

No claim allowed interfering with Indian title.

Second. No claim shall be allowed that shall interfere with or overthrow any just and unextinguished Indian title or right to any land or place.

No confirmation to confer title to mines or minerals, unless grantee so entitled.

Third. No allowance or confirmation of any claim shall confer any right or title to any gold, silver, or quicksilver mines or minerals of the same, unless the grant claimed effected the donation or sale of such mines or minerals to the grantee, or unless such grantee has become otherwise entitled thereto in law or in equity; but all such mines and minerals shall remain the property of the United States, with the right of working the same, which fact shall be stated in all patents issued under this act. But no such mine shall be worked on

any property confirmed under this act without the consent of the owner of such property until specially authorized thereto by an act of Congress hereafter passed.

Fourth. No claim shall be allowed for any land the right to which has hitherto been lawfully acted upon and decided by Congress, or under its authority.

Fifth. No proceeding, decree, or act under this act shall conclude or affect the private rights of persons as between each other, all of which rights shall be reserved and saved to the same effect as if this act had not been passed;

But the proceedings, decrees, and acts herein provided for shall be conclusive of all rights as between the United States and all persons claiming any interest or right in such lands.

Sixth. No confirmation of or decree concerning any claim under this act shall in any manner operate or have effect against the United States otherwise than as a release by the United States of its right and title to the land confirmed, nor shall it operate to make the United States in any manner liable in respect of any such grants, claims, or lands, or their disposition, otherwise than as is in this act provided.

Seventh. No confirmation in respect of any claims or lands mentioned in section six of this act or in respect of any claim or title that was not complete and perfect at the time of the transfer of sovereignty to the United States as referred to in this act, shall in any case be made or patent issued for a greater quantity than eleven square leagues of land to or in the right of any one original grantee or claimant, or in the right of any one original grant to two or more persons jointly, nor for a greater quantity than was authorized by the respective laws of Spain or Mexico applicable to the claim.

Eighth. No concession, grant, or other authority to acquire land made upon any condition or requirement, either antecedent or subsequent, shall be admitted or confirmed unless it shall appear that every such condition and requirement was performed within the time and in the manner stated in any such concession, grant, or other authority to acquire land.

SEC. 14. That if in any case it shall appear that the lands or any part thereof decreed to any claimant under the provisions of this act shall have been sold or granted by the United States to any other person, such title from the United States to such other person shall remain valid, notwithstanding such decree, and upon proof being made to the satisfaction of said court of such sale or grant, and the value of the lands so sold or granted, such court shall render judgment in favor of such claimant against the United States for the reasonable value of said lands so sold or granted, exclusive of betterments, not exceeding one dollar and twenty-five cents per acre for such lands; and such judgment, when found, shall be a charge on the Treasury of the United States.

Either party deeming himself aggrieved by such judgment may appeal in the same manner as provided herein in cases of confirmation of a Spanish or Mexican grant.

For the purpose of ascertaining the value and amount of such lands, surveys may be ordered by the court, and proof taken before the court, or by a commission appointed for that purpose by the court.

SEC. 15. That section eight of the act of Congress approved July twenty-second, eighteen hundred and fifty-four, entitled "An act to establish the offices of surveyor-general of New Mexico, Kansas, and Nebraska, to grant donations to actual settlers therein, and for other purposes," and all acts amendatory or in extension thereof, or supplementary thereto, and all acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

No claim allowed for right hitherto decided by Congress.

Private rights of persons between each other not concluded.

Rights between United States and claimants are concluded.

Decree to operate against United States only as release of title.

Limit on amount to be confirmed under one grant, where title not perfect at date of cession.

Conditional grants barred, if conditions unperformed.

If lands decreed to claimant, but granted by United States to another, limited money judgment to be rendered against United States.

Appeal.

Determination of value.

Investigation by Surveyor-General repealed.

Repeal of 1854, July 22, ch. 103, § 8 (10 Stat. L., 309).

In future township surveys in States and Territories named, tracts not over 160 acres, in twenty years possession, to be recognized and lines established by surveyor.

Survey and proofs to be returned by surveyor.

Issue of patents by Commissioner of General Land Office.

No more than 160 acres to any person.

Not to apply to claim of corporation or town under § 11.

Where township surveys already made citizens in twenty years' continuous possession may enter without payment not over 160 acres.

Claims under §§ 16 and 17 to be filed within two years.

Not to be adjudicated by court or subject to entry.

Court to cease Dec. 31, 1895.

SEC. 16. That in township surveys hereafter to be made in the Territories of New Mexico, Arizona, and Utah, and in the States of Colorado, Nevada, and Wyoming if it shall be made to appear to the satisfaction of the deputy surveyor making such survey that any person has, through himself, his ancestors, grantors, or their lawful successors in title or possession, been in the continuous adverse actual bona fide possession, residing thereon as his home, of any tract of land or in connection therewith of other lands, all together not exceeding one hundred and sixty acres in such township for twenty years next preceding the time of making such survey, the deputy surveyor shall recognize and establish the lines of such possession and make the subdivision of the adjoining lands in accordance therewith. Such possession shall be accurately defined in the field-notes of the survey and delineated on the township plat, with the boundaries and area of the tract as a separate legal subdivision. The deputy surveyor shall return with his survey the name or names of all persons so found to be in possession, with a proper description of the tract in the possession of each as shown by the survey, and the proofs furnished to him of such possession.

Upon receipt of such survey and proofs the Commissioner of the General Land Office shall cause careful investigation to be made in such manner as he shall deem necessary for the ascertainment of the truth in respect of such claim and occupation, and if satisfied upon such investigation that the claimant comes within the provisions of this section, he shall cause patents to be issued to the parties so found to be in possession for the tracts respectively claimed by them:

Provided, however, That no person shall be entitled to confirmation of, or to patent for, more than one hundred and sixty acres in his own right by virtue of this section:

And provided further, That this section shall not apply to any city lot, town lot, village lot, farm lot, or pasture lot held under a grant from any corporation or town the claim to which may fall within the provisions of section eleven of this act.

SEC. 17. That in the case of townships heretofore surveyed in the Territories of New Mexico, Arizona, and Utah, and the States of Colorado, Nevada, and Wyoming, all persons who, or whose ancestors, grantors, or their lawful successors in title or possession, became citizens of the United States by reason of the treaty of Guadalupe-Hidalgo, and who have been in the actual continuous adverse possession and residence thereon of tracts of not to exceed one hundred and sixty acres each, for twenty years next preceding such survey, shall be entitled, upon making proof of such facts to the satisfaction of the register and receiver of the proper land district, and of the Commissioner of the General Land Office upon such investigation as is provided for in section sixteen of this act, to enter without payment of purchase money, fees, or commissions, such legal subdivisions, not exceeding one hundred and sixty acres, as shall include their said possessions: *Provided, however,* That no person shall be entitled to enter more than one such tract, in his own right, under the provisions of this section.

SEC. 18. That all claims arising under either of the two next preceding sections of this act shall be filed with the surveyor-general of the proper State or Territory within two years next after the passage of this act, and no claim not so filed shall be valid.

And the class of cases provided for in said two next preceding sections shall not be considered or adjudicated by the court created by this act, and no tract of such land shall be subject to entry under the land laws of the United States.

SEC. 19. That the powers and functions of the court established by this act shall cease and determine on the thirty-first day of December, eighteen hundred and ninety-five, and all papers, files, and rec-

records in the possession of said court belonging to any other public office of the United States shall be returned to such office, and all other papers, files, and records in the possession of or appertaining to said court shall be returned to and filed in the Department of the Interior. [March 3, 1891.]

CHAP. 540.—An act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June thirtieth, eighteen hundred and ninety-one, and for prior years, and for other purposes.

March 3, 1891.

26 Stat. L., 862.

Be it enacted, &c., * * [Par. 1.] And the salary of the appraiser of merchandise at the Port of New York shall hereafter be six thousand dollars. * *

Salary of appraiser at New York.

R. S., § 2729.

[Par. 2.] That the action of the Commissioners of the District of Columbia in heretofore granting permits for the extension of any building or buildings, or any part or parts thereof, in the city of Washington, in the District of Columbia, beyond the building line, and upon the streets and avenues of said city, is hereby ratified, without prejudice, however, to the legal rights of the Government in the event of the destruction by fire, or otherwise, of any such structure.

District of Columbia permits for extension beyond building line ratified.

1878, June 14, ch. 194, ante, p. 181.

18 D. C., 504.

And hereafter no such permits shall be granted except upon special application and with the concurrence of all of said Commissioners, and the approval of the Secretary of War. * *

—how to be granted hereafter.

[Par. 3.] That the accounting officers of the Treasury are hereby directed not to suspend or withhold the pay of any retired officer of the Army whose name was upon the retired list prior to the passage of the act of March third, eighteen hundred and seventy-five, and having lost an arm or leg, or having an arm or leg permanently disabled by reason of resection on account of wounds or having lost both eyes by reason of wounds received in battle has been retained upon said list by the Secretary of War in obedience to the act of March third, eighteen hundred and seventy-five notwithstanding such officer accepted and held a diplomatic or consular office. * *

Pay of certain retired officers not to be withheld.

1875, Mar. 3, ch.

178, ante, p. 96.

130 U. S., 439.

SEC. 4. To pay the findings of the Court of Claims on the following claims for indemnity for spoliations by the French prior to July thirty-first, eighteen hundred and one, under the act entitled "An act to provide for the ascertainment of claims of American citizens for spoliations committed by the French prior to the thirty-first day of July, eighteen hundred and one," namely: * *

French spoliation claims—payment of findings of Court of Claims in.

1885, Jan. 20, ch.

25, ante, p. 471.

Provided, That in all cases where the original sufferers were adjudicated bankrupts the award shall be made on behalf of the next of kin instead of to assignees in bankruptcy,

—awards to next of kin instead of assignees of bankrupts.

And the awards in the cases of individual claimants shall not be paid until the Court of Claims shall certify to the Secretary of the Treasury that the personal representatives on whose behalf the award is made represents the next of kin, and the courts which granted the administrations, respectively, shall have certified that the legal representatives have given adequate security for the legal disbursement of the awards. [March 3, 1891.]

—to be paid only on certificates that next of kin are represented, and that adequate security is given for distribution.

CHAP. 541.—An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and ninety-two, and for other purposes.

March 3, 1891.

26 Stat. L., 908.

Be it enacted, &c., * * [Par. 1.] Hereafter the appropriations for hire of horses and mail wagons for carrying the mails for the House of Representatives shall be expended under the direction of the Postmaster of the House, under contracts to be let annually to the lowest responsible bidder therefor after due advertisement. * *

Mail service for House of Representatives to be let to lowest bidder, &c.

R. S., § 53.

Draughtsmen, &c., in Supervising Architect's Office to be paid from public building appropriations.

R. S., § 235.
1882, Aug. 5, ch. 389, § 4, *ante*, p. 374.

—to be reported.

Deputy Auditor P. O. Dept.

R. S., § 277, par. 7.
1875, March 3, ch. 130, § 2, *ante*, p. 75.

Surgeons to be detailed from Marine Hospital Service.

R. S., § 4802.

Sugar-bounty inspectors; twelve authorized.

1890, Oct. 1, ch. 1244, par. 231, *ante*, p. 828.

Redistricting and reapportionment of Utah under census of 1890.

R. S., § 1849.
1882, March 22, ch. 47, § 9, *ante*, p. 333.

—to continue.

Draughtsmen, &c., in office of Chief of Engineers of Army to be paid from river and harbor appropriations, &c.

—to be reported.
R. S., § 215.
1882, Aug. 5, ch. 389, § 4, *ante*, p. 374.

[Par. 2.] And the services of skilled draughtsmen, civil engineers, computers, accountants, assistants to the Photographer, copyists, and such other services as the Secretary of the Treasury may deem necessary and specially order, may be employed in the Office of the Supervising Architect to carry into effect the various appropriations for public buildings, to be paid for from and equitably charged against such appropriations, and the Secretary of the Treasury may hereafter make temporary appointments of architects, skilled draughtsmen, and civil engineers in the Office of the Supervising Architect for the foregoing purpose, under such rules and regulations as the Secretary may prescribe: * *

And that the Secretary of the Treasury shall each year in the annual estimates report to Congress the number of persons so employed and the amount paid to each (1). * *

[Par. 3.] Auditor of the Treasury for the Post Office Department: * * Deputy auditor, who may be designated to sign, in the names of the said Auditor, such letters and papers as the Auditor may direct (1). * *

[Par. 4.] Office of Supervising Surgeon General Marine Hospital Service: * * And hereafter the Supervising Surgeon General is hereby authorized to cause the detail of two surgeons and two passed assistant surgeons for duty in the Bureau, who shall each receive the pay and allowances of their respective grades in the general service. * *

[Par. 5.] The Commissioner of Internal Revenue is authorized to employ not to exceed twelve inspectors, at a salary not exceeding five dollars per day and necessary expenses, whose duty it shall be to inspect sugar upon which a bounty is required to be paid under the act of Congress entitled, "An act to reduce the revenue and equalize duties on imports, and for other purposes," approved October first, eighteen hundred and ninety; to aid in ascertaining the amount of bounty due thereon, and to perform such other duties as may be required by the Commissioner of Internal Revenue. * *

[Par. 6.] Territory of Utah: * * To enable the board of commissioners mentioned in section nine of the act approved March twenty-second, eighteen hundred and eighty-two, entitled "An act to amend section fifty-three hundred and fifty of the Revised Statutes of the United States in reference to bigamy and for other purposes," in said Territory, as soon as practicable and upon the basis of the census of said Territory taken in the year eighteen hundred and ninety, to redistrict said Territory, and apportion representatives in the same in such manner as to provide, as nearly as the same may be, for an equal representation of the people, excepting Indians not taxed, according to numbers, and by districts as nearly compact as possible, in the legislative assembly, and to the number of members of the council and house of representatives thereof, respectively, as now established by law: and to cause a record of the establishment of such new districts, and the apportionment of representatives thereto, to be made in the office of the secretary of said Territory;

And such establishment and representation shall continue until Congress shall otherwise provide. * *

[Par. 7.] And the services of skilled draughtsmen, civil engineers, and such other services as the Secretary of War may deem necessary may be employed in the office of the Chief of Engineers to carry into effect the various appropriations for rivers and harbors, fortifications, and surveys for military defenses, to be paid from such appropriations: * *

And that the Secretary of War shall each year, in the annual estimates, report to Congress the number of persons so employed and the amount paid to each (1).

NOTE.—(1) Similar provisions have occurred for several years in the annual appropriation acts.

[Par. 8.] Assistant Secretary of the Navy, who shall hereafter perform such duties as may be prescribed by the Secretary of the Navy or required by law, * *

Assistant Secretary of Navy. 1890, July 11, ch.

[Par. 9.] For Fourth Assistant Postmaster-General, four thousand dollars (2).

667, par. 5, ante, p. 772. Asst. Postmaster-General.

[Par. 10.] Examiner of Claims, to be designated hereafter as solicitor for the Department of State. * *

R. S., § 889. Solicitor State Dept. R. S., § 849.

[Par. 11.] And hereafter the salaries appropriated for the United States judges in the districts of North Dakota, South Dakota, Washington, Montana, Idaho, and Wyoming may be paid monthly. * *

1874, June 20, ch. 328, par. 3, ante, p. 17. District judges may be paid monthly. R. S., § 554.

SEC. 3. That an act to authorize the receipt of United States gold coin in exchange for gold bars, approved May twenty-sixth, eighteen hundred and eighty-two, be amended to read as follows :

1881, Mar. 3, ch. 130, par. 4, ante, p. 320. Exchange of gold bars for gold coin authorized.

“That the superintendents of the coinage mints and of the United States assay office at New York may, with the approval of the Secretary of the Treasury, but not otherwise, receive United States gold coin from any holder thereof in sums of not less than five thousand dollars, and pay and deliver in exchange therefor gold bars in value equaling such coin so received : *Provided*, That the Secretary of the Treasury may impose for such exchange a charge which in his judgment shall equal the cost of manufacturing the bars.”

Substitute for 1882, May 26, ch. 190 (22 Stat. L., 97). R. S., §§ 3518-3520.

SEC. 4. That all acts or parts of acts inconsistent or in conflict with the provisions of this act are hereby repealed. [March 3, 1891.]

Repeal.

NOTE.—(2) This is the only existing legislation relative to this officer.

CHAP. 542.—An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and ninety-two, and for other purposes.

March 3, 1891.

26 Stat. L., 948.

Be it enacted, &c., * * [Par. 1.] That the Secretary of the Treasury may establish a life-saving station at or near Brant Rock, on the coast of Massachusetts, at such a point as the General Superintendent of the Life-Saving Service may recommend. ch. 265, and

Additional life-saving stations authorized. 1878, June 18, note, ante, p. 190.

Also one at or near Port Orford, on the coast of Oregon. * *

[Par. 2.] And the number and compensation of special agents to be appointed under section twenty-six hundred and forty-nine of the Revised Statutes of the United States shall be hereafter as follows : One supervising special agent, who shall receive in addition to the necessary traveling expenses actually incurred by him, a compensation of ten dollars per day ; eighteen special agents, who shall each receive in addition to the necessary traveling expenses actually incurred by him, a compensation to be fixed by the Secretary of the Treasury, not to exceed eight dollars per day ; and nine special agents, who shall each receive in addition to the necessary traveling expenses actually incurred by him, a compensation to be fixed by the Secretary of the Treasury not to exceed six dollars per day.

Special agents in Customs Service ; classification and pay. R. S., § 2649.

[Par. 3.] Out of the sum herein appropriated for surveying the public lands the Commissioner of the General Land Office, with the approval of the Secretary of the Interior, may assign a sum sufficient to complete the survey of the Public Land Strip—otherwise known as No Man's Land—and the boundary line between said Public Land Strip and Texas, and between Texas and New Mexico, established under act of June fifth, eighteen hundred and fifty-eight, is hereby confirmed. * *

Boundary between Public Land Strip and Texas, and between Texas and New Mexico, confirmed. 1858, June 5, ch. 92 (11 Stat. L., 310).

[Par. 4.] For the maintenance of the Howard University, to be used in payment of part of the salaries of the officers, professors, teachers, and other regular employees of the university. * * And the proper officers of said university shall report annually to the Secretary of the Interior how the appropriation is expended. * *

1890, May 2, ch. 182, § 1, ante, p. 720. Howard University. Report to be made of expenditure of appropriation for maintenance.

[Par. 5.] Artificial limbs : For furnishing artificial limbs and apparatus, or commutation therefor, * * and hereafter in case of commutation the money shall be paid directly to the soldier, sailor, or marine, and no fee or compensation shall be allowed or paid to any agent or attorney. * *

Commutation for artificial limbs, etc., to be paid to applicant; no fee to agents. R. S., § 4787, 1891, March 3, ch. 562, post, p. 947.

National Soldiers' Home, supervision of accounts.

1875, Mar. 3, ch. 129, par. 6, and note, *ante*, p. 71.

Attorney-General's agents to have a right to examine records and dockets of marshals, attorneys, clerks, and commissioners.

R. S. §§ 824-829, 847.

[Par. 6.] National Home for Disabled Volunteer Soldiers : * * * That the accounts relating to the expenditure of said sums, as also all receipts by said Home from whatever source, shall, in addition to the supervision now provided for, be reported to and supervised by the Secretary of War. * *

[Par. 7.] Prosecution of crimes: For the detection and prosecution of crimes against the United States, preliminary to indictments; for the investigation of official acts, records, and accounts of officers of the courts, including the investigation of the accounts of marshals, attorneys, clerks of the United States court, and United States commissioners, under the direction of the Attorney-General, and for this purpose all the records and dockets of these offices, without exception, shall be examined by his agents at any time (1). * * * * *

[March 3, 1891.]

NOTE.—(1) This provision as to examination of accounts, has appeared thus inserted in the appropriation in every sundry civil appropriation act from 1884, July 7, ch. 332 (23 Stat. L., 223), but with very slight verbal or literal changes.

March 3, 1891.

26 Stat. L., 969.

CHAP. 543.—An act making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes for the year ending June thirtieth, eighteen hundred and ninety-two, and for other purposes (1).

Be it enacted, &c., * * * [Par. 1.] Necessary traveling expenses of one superintendent of Indian schools (2), including telegraphing and incidental expenses of inspection and investigation, * * * : *Provided*, that he shall be allowed three dollars per day for traveling expenses when actually on duty in the field, exclusive of cost of transportation and sleeping-car fare :

And provided, That he shall perform such other duties as may be imposed upon him by the Commissioner of Indian Affairs, subject to the approval of the Secretary of the Interior. * *

[Par. 2.] That in the expenditure of money appropriated for any of the purposes of education of Indian children, those children of Indians who have taken lands in severalty under any existing law, shall not, by reason thereof, be excluded from the benefits of such appropriation (3).

And the Commissioner of Indian Affairs, subject to the direction of the Secretary of the Interior, is hereby authorized and directed to make and enforce by proper means such rules and regulations as will secure the attendance of Indian children of suitable age and health at schools established and maintained for their benefit. * *

SEC. 2. [Makes appropriations.]

SEC. 3. [Temporary.]

SEC. 4. * * * And hereafter the Commissioner of Indian Affairs is authorized to advertise in the spring of each year for bids, and enter into contracts, subject to the approval of the Secretary of the Interior, for goods and supplies for the Indian service required for the ensuing fiscal year, notwithstanding the fact that the appropriations for such fiscal year have not been made.

Provided, That the contracts so made shall be on the basis of the appropriations for the preceding fiscal year, but not in excess of the estimates for such year.

And provided further, That these contracts shall contain a clause that no deliveries shall be made under the same, and no liability attach to the United States in consequence of such execution, if Congress fails to make an appropriation for the fiscal year for which those supplies are required for the purpose of and in an amount sufficient to meet the same. * *

SECS. 5, 6, 7. [Temporary.]

SECS. 8-15. [Provide for opening certain lands of the Pottawatomie, Shawnee, and Cheyenne and Arapahoe Indians in the Indian Territory for settlement.]

NOTES.—(1) Many of the provisions of this act recite and ratify agreements with particular tribes of Indians for the cessions of their lands to the United States, to be open to entry as a part of the public domain. Those portions of the act are here omitted in accordance with the general plan of this work as stated in the preface, but may be found in 26 Stat. L., 1016-1043, §§ 8-15 and 19-32.

(2) The act establishing this office, 1890, Mar. 2, ch. 412, § 10, *ante*, p. 608, fixes no salary, but the annual salary appropriated has been \$4,000, besides the expenses here provided for.

(3) This provision occurs in previous appropriation acts.

Superintendent of Indian schools—expenses.

—duties.

1889, March 2, ch. 412, § 10, *ante*, p. 698.

Children of Indians taking lands in severalty not excluded.

1887, Feb. 8, ch. 119, *ante*, p. 534.

Rules to secure attendance.

Contracts in advance of appropriations authorized.

R. S., § 3732.

1875, Mar. 3, ch. 132, § 8, *ante*, p. 80, —on what basis.

—conditions.

SEC. 16. That whenever any of the lands acquired by either of the three foregoing agreements respecting lands in the Indian or Oklahoma Territory shall by operation of law or proclamation of the President of the United States be open to settlement they shall be disposed of to actual settlers only, under the provisions of the homestead and town site laws (except section twenty-three hundred and one of the Revised Statutes of the United States which shall not apply):

Provided, however, That each settler, on said lands shall before making a final proof and receiving a certificate of entry, pay to the United States for the land so taken by him, in addition to the fees provided by law, and within five years from the date of the first original entry, the sum of one dollar and fifty cents per acre, one-half of which shall be paid within two years;

But the rights of honorably discharged Union soldiers and sailors as defined and described in Sections twenty-three hundred and four and twenty-three hundred and five of the Revised Statutes of the United States shall not be abridged except as to the sum to be paid as aforesaid,

And all the lands in Oklahoma are hereby declared to be agricultural lands, and proof of their non-mineral character shall not be required as a condition precedent to final entry

SEC. 17. (4) That before any lands in Oklahoma are open to settlement it shall be the duty of the Secretary of the Interior to divide the same into counties which shall contain as near as possible not less than nine hundred square miles in each county. In establishing said county line the Secretary is hereby authorized to extend the lines of the counties already located so as to make the area of said counties equal, as near as may be, to the area of the counties provided for in this act. At the first election for county officers the people of each county may vote for a name for each county, and the name which receives the greatest number of votes shall be the name of such county:

Provided, further, That as soon as the county lines are designated by the Secretary, he shall reserve not to exceed one-half section of land in each county to be located near the center of said county, for county seat purposes to be entered under sections twenty-three hundred and eighty-seven and twenty-three and eighty-eight of the Revised Statutes:

Provided, That in addition to the jurisdiction granted to the probate courts and the judges thereof in Oklahoma Territory by Legislative enactments which enactments are hereby ratified, the Probate Judges of said Territory are hereby granted such jurisdiction in town site matters and under such regulations as are provided by the laws of the State of Kansas.

SEC. 18. That the school lands reserved in the Territory of Oklahoma by this and former acts of Congress may be leased for a period not exceeding three years for the benefit of the school fund of said Territory by the Governor thereof, under regulations to be prescribed by the Secretary of the Interior (5). * *

SECS. 19-35. [*Provided for opening certain lands of the Cœur d'Alene, Arickaree, Gros Ventre, Mandan, Sisseton and Wahpeton Sioux, and Crow Indians, in Washington, Idaho, Montana, and North and South Dakota, to settlement.*]

SEC. 36. [*Verbatim repetition of § 18.*]

SEC. 37. That before any lands in Oklahoma are open to settlement it shall be the duty of the Secretary of the Interior to divide the same into counties which shall contain as near as possible not less than

Lands opened to homestead and townsite entry only.

R. S., §§ 2289, 2301, 2332.

1890, May 14, ch. 207, ante, p. 739.

—to be paid for at \$1.50 an acre.

Additional payment.

Rights of soldiers and sailors not abridged,

R. S., §§ 2304, 2305.

All lands in Oklahoma declared agricultural.

R. S., § 2358, par.

4. Oklahoma divided into counties.

1890, May 2, ch. 182, § 4, ante, p. 731.

County seats.
R. S., §§ 2367, 2368.

—jurisdiction of courts.

School lands may be leased.

Oklahoma divided into counties.

NOTES.—(4) This section, with the exception of the concluding proviso, is repeated *verbatim* in § 37, *infra*, except that the area of the counties is fixed at "not less than seven hundred" instead of "not less than nine hundred" square miles each.

(5) This section is repeated *verbatim* as § 36.

seven hundred square miles in each county. In establishing said county line the Secretary is hereby authorized to extend the lines of the counties already located so as to make the area of said counties equal, as near as may be, to the area of the counties provided for in this act. At the first election for county officers the people of each county may vote for a name for each county, and the name which receives the greatest number of votes shall be the name of such county:

County seats.
R. S. §§ 2387,
2388.

Sections 16 and
36 reserved for
schools, &c.
R. S. § 2395.

—not to apply to
mineral lands.

Provided further, That as soon as the county lines are designated by the Secretary he shall reserve not to exceed one-half section of land in each county, to be located near the center of said county, for county seat purposes, to be entered under sections twenty-three hundred and eighty-seven and twenty-three hundred and eighty-eight of the Revised Statutes. (6)

SEC. 38. No provision for settlement on or sale of the lands in the various agreements hereinbefore mentioned shall apply to sections sixteen and thirty-six thereon, which land in the States are hereby granted to the State in which they are situated, for the support of the common schools of such State under the limitations prescribed by law, and such sections in the Territories of the United States are reserved from occupancy, entry, or sale, under any land law of the United States;

But this provision shall not apply to mineral land which may be disposed of under the laws applicable thereto. [March 3, 1891.]

NOTE.—(6) See § 17, *supra*, and note (4).

March 3, 1891.

CHAP. 544.—An act making appropriations for the Department of Agriculture for the fiscal year ending June thirtieth, eighteen hundred and ninety-two

26 Stat. L., 1044.

Secretary of
Agriculture may
employ assistants
and incur expenses
in connection
with Agricultural
Experiment Stations.

1887, Mar. 2, ch.
314, §§ 3, 5, *ante*,
pp. 550, 551.

Payments quar-
terly in advance.

1887, March 2,
Distilled spirits
may be removed
in bond, free of
tax, for making
sorghum sugar.

R. S. §§ 3287,
3294—3297.

1879, Mar. 1, ch.
125, § 5, *ante*, pp.
231, 232.

1880, May 28,
ch. 108, § 6, *ante*,
p. 286.

Penalty for vio-
lation.

Be it enacted, &c. * * [Par. 1.] Agricultural Experimental Stations: To carry into effect the provisions of an act approved March second, eighteen hundred and eighty-seven, entitled "An act to establish agricultural experimental stations in connection with the colleges established in the several States under provisions of an act approved July second, eighteen hundred and sixty-two and of the acts supplementary thereto," * * and the Secretary of Agriculture is hereby authorized to employ such assistants, clerks, and other persons as he may deem necessary, and to incur such other expenses in traveling, stationery, and office fixtures, as he may find essential in carrying out the objects of the above acts,

And the sums apportioned to the several States shall be paid quarterly in advance. * *

ch. 314, § 5, *ante*, p. 551.

[Par. 2.] That any manufacturer of sugar from sorghum may remove from distillery warehouses to factories used solely for the manufacture of such sugar from sorghum distilled spirits in bond free of tax, to be used solely in such manufacture of sugar from sorghum; that all distilled spirits removed as herein authorized shall be of an alcoholic strength of not less than one hundred and sixty per centum proof, and may be removed, stored, and used in the manufacture of sugar from sorghum, and when so used may be recovered by redistillation in the sugar factory of such sugar manufacturer under such bonds, rules, and regulations for the protection of the revenue and the accomplishment of the purposes herein expressed as the Commissioner of Internal Revenue with the approval of the Secretary of the Treasury may prescribe.

Any person who removes or uses distilled spirits in violation of this provision, as the regulations issued pursuant thereof, shall, on conviction thereof, be fined not less than one thousand dollars nor more than five thousand dollars for each offense, and the spirits and

the premises on which such spirits are used shall be forfeited to the United States.

[Par. 3.] Weather Bureau: * * The Secretary is hereby authorized to make such changes in the personnel of Weather Bureau for limiting or reducing expenses as he may deem necessary. * * [March 3, 1891.]

Changes may be made in Weather Bureau reducing expenses.

1890, Oct. 1, ch. 1266, § 4, *ante*, p. 879.

March 3, 1891.

26 Stat. L., 1063.

CHAP. 546.—An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June thirty, eighteen hundred and ninety-two, and for other purposes.

Be it enacted, &c., * * [Par. 1.] The register of wills shall prepare papers in connection with appointment of guardians to enable indigent boys to enlist in the United States Navy as provided by law, without making any charge therefor. * *

Navy enlistment papers to be prepared free.

1879, May 12, ch. 5, *ante*, p. 263.

[Par. 2.] For three assistant assessors, at two thousand five hundred dollars per annum each, who shall within the calendar year eighteen hundred and ninety-two, under the direction of the assessor of the District of Columbia, make the assessments of real property in said District for the triennial period beginning with the fiscal year eighteen hundred and ninety-three and perform such other duties and have all the power and authority to do the things required of the twelve assessors under the provisions of the act of March third, eighteen hundred and eighty-three and perform such other duties as may be assigned to them not inconsistent with existing law by the assessor in the assessment of real and personal property. * *

Assistant assessors—3 instead of 12—compensation, duties, &c.

1883, March 3, ch. 137, § 3, *ante*, p. 418.

[Par. 3.] For Auditor's Office: * * For one disbursing clerk who shall be authorized to pay laborers and employees of the District of Columbia, one thousand five hundred dollars, and such payments may be made with moneys advanced to him by the Commissioners in their discretion, upon pay rolls or other vouchers audited and approved by the Auditor of the District of Columbia, and certified by the Commissioners as now required by law. Said pay rolls and other vouchers shall be included in the account of the Commissioners:

Disbursing clerk authorized. Compensation, duties, &c.

Provided, That he shall give bond to the United States, to the satisfaction of the Commissioners, in the sum of twenty-five thousand dollars, for the benefit of the United States, the District of Columbia, the Commissioners of the District of Columbia, and all persons interested, conditioned upon the faithful performance of the duties of his office; but said disbursing clerk shall be subordinate to the Commissioners of the District of Columbia, and they shall in every respect be responsible to the United States, the District of Columbia, and to individuals for the acts and doings of the said disbursing clerk:

—to give bond.

Provided further, That his accounts shall be audited by the auditor of the District of Columbia, who shall promptly forward the same to the Commissioners for their approval. * *

Accounts; how audited.

[Par. 4.] That overseers, inspectors, and other employees temporarily required in connection with sewer, street, or road work, or the construction and repair of buildings and bridges, or any work authorized by appropriations, and all expenses incidental to or necessary for the proper execution of said work, shall be paid from and equitably charged against the sums appropriated for said works; and the Commissioners of the District, in their annual report to Congress, shall report the number of such overseers, inspectors, and other employees, and their work, and the sums paid to each, and out of what appropriation. * *

Temporary overseers, inspectors, &c., of work on streets, &c., how paid.

1889, March 2, ch. 370, par. 2, *ante*, p. 676.

[Par. 5.] That when new sidewalks or curbing are hereafter required to be laid on streets being improved, one half the total cost shall be assessed against abutting property, in like manner and under the law governing in the case of compulsory permit work. * *

New sidewalks, &c., half to be charged on abutting property.

Teachers — no discrimination between male and female.

—to be annually estimated for.

[Par. 6.] Public Schools. * * That in assigning salaries to teachers, no discrimination shall be made between male and female teachers employed in the same grade of school, and performing a like class of duties;

And the Commissioners are directed to report to Congress at each regular session in the Book of Estimates an estimate of the number of teachers required in each of the grades and classes of the schools in the District, the amount of salary, the employment, place and title of employment of each of the teachers in each and all of the grades and classes of the schools in the District. * *

SEC. 2. That the amount charged against the District of Columbia on account of the forty-eight-inch main and connections as provided for by the deficiency appropriation act approved March second, eighteen hundred and eighty-nine, is hereby credited to said District,

And the amount charged against the revenues of the Water Department for lying the main on Fourteenth street, west, as provided in the District of Columbia appropriation act, approved July eighteenth, eighteen hundred and eighty-eight, is hereby credited to said Water Department,

And hereafter it shall be the duty of the Commissioners of the District of Columbia to include in their annual estimates for the expenses of the water department, an estimate to be made by the Treasurer of the United States of the amount necessary to refund, in twenty-five equal annual instalments one-half the cost of the said forty-eight-inch main and connections, and one-half the cost of the said Fourteenth street main and connections, with interest on said amount at the rate of three per cent. per annum, computed annually on the principal sum remaining unpaid. * * [March 3, 1891.]

Credit and refund on account of 48-inch main, &c. 1889, Mar. 2, ch. 410 (25 Stat. L., 914).

—on 14th street main.

1889, July 18, ch. 676 (25 Stat. L., 327).

Annual estimates to cover refund, in instalments of one-half cost of 48-inch main.

March 3, 1891.

CHAP. 547.—An act making appropriations for the service of the Post-Office Department for the fiscal year ending June thirtieth, eighteen hundred and ninety-two.

26 Stat. L., 1079.

P. O. inspectors increased to 12.

R.S., § 4017. 1880, June 11, ch. 206, par. 1, ante, p. 296.

Warrants may be signed by any officer designated by Postmaster General.

R. S., § 3674.

Half cost of transportation of foreign mails on steamships to be paid, &c.

Be it enacted, &c. * * [Par. 1.] The number of post-office inspectors is hereby increased to twelve, to be appointed by the Postmaster General. * *

[Par. 2.] And the Postmaster-General may from time to time designate any officer of the Post Office Department, above the grade of fourth-class clerk, to sign warrants in his stead, and such warrants when so signed, shall be of the same validity as if they had been signed by the Postmaster-General. * *

[Par. 3.] That hereafter the Postmaster-General shall be authorized to expend such sums as may be necessary, not exceeding fifty-five thousand dollars, to cover one-half of the cost of transportation, compensation, and expense of clerks to be employed in assorting and pouching mails in transit on steamships between the United States and other postal administrations in the International Postal Union. * *

SEC. 3. That the members and members elect of Congress, shall have the privilege of sending free through the mails, and under their frank, letters to any officer of the Government when addressed officially. [March 3, 1891.]

Members of Congress may frank official letters to Government officers.

1877, Mar. 3, ch.

103, § 5, ante, p. 135.

CHAP. 548.—An act making appropriations for the payment of invalid and pensions of the United States, for the fiscal year ending June thirtieth, eighteen hundred and ninety-two, and for other purposes.

March 3, 1891.

26 Stat. L., 1081.

Be it enacted, &c., * * That hereafter no pension shall be allowed or paid to any officer, non commissioned officer, or private in the Army, Navy, or Marine Corps of the United States, either on the active or retired list.

No pensions to persons in Army or Naval service.
R. S., § 4724.

Provided also, That hereafter no agent or attorney shall demand, receive, or be allowed any compensation under existing law exceeding two dollars in any claim for increase of pension on account of the increase of the disability for which the pension has been allowed,

Fee reduced to \$2 in increase claims.

1884, July 4, ch. 181, § 4, ante, p. 452.—and in claims under special act.

Or for services rendered in securing the passage of any special act of Congress granting a pension or an increase of pension in any case that has been presented at the Pension Office or is allowable under the general pension laws:

And provided further, That any agent, attorney, or other person instrumental in prosecuting any claim for increase of pension on account of the increase of disability for which pension was allowed, or who has rendered services in procuring the passage of any special act of Congress granting a pension or an increase of pension in any case that has been presented at the Pension Office or is allowable under the general pension laws, who shall directly or indirectly contract for, demand, receive, or retain any compensation for such services, except as hereinbefore provided, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall, for each and every such offense, be fined not exceeding five hundred dollars or imprisoned, not exceeding two years or both, in the discretion of the court:

Penalty for taking illegal fee.

R. S., § 5485.
1884, July 4, ch. 181, § 4, ante, p. 453.

Provided, however, That the foregoing provisions in relation to fees of agents or attorneys shall not apply to any case now pending where there is an existing lawful contract express or implied. * *

Pending contracts not affected.

1884, July 4, ch. 181, § 4, ante, p. 452.

SEC. 2. That the Secretary of the Interior is hereby authorized and directed to arrange the various agencies for the payment of pensions in three groups as he may think proper, and may from time to time change any agency from one group to another as he may deem convenient for the transaction of the public business.

Pension agencies to be arranged in three groups.

R. S., §§ 4778-4780.

The first group shall make their quarterly payments of pensions on January fourth, April fourth, July fourth, and October fourth of each year; the second group shall make their quarterly payments of pensions on February fourth, May fourth, August fourth, and November fourth of each year; and the third group shall make their quarterly payments of pensions on March fourth, June fourth, September fourth, and December fourth of each year.

Quarterly payments to groups.

R. S., § 4764.

The Secretary of the Interior is hereby fully authorized to cause payments of pensions to be made for the fractional parts of quarters created by such change, so as to properly adjust all payments as herein provided. Section forty-seven hundred and sixty-four of the Revised Statutes is hereby so amended as to conform to the changes in the time of payments provided herein, and is made applicable thereto. * *

SEC. 3. That the same power to administer oaths and take affidavits, which by virtue of section forty-seven hundred and forty-four of the Revised Statutes is conferred upon clerks detailed by the Commissioner of Pensions from his office to investigate suspected attempts at fraud on the Government through and by virtue of the pension laws, and to aid in prosecuting any person so offending, shall be, and is hereby, extended to all special examiners or additional special examiners employed under authority of Congress to aid in the same purpose. [March 3, 1891.]

All special examiners may administer oaths.

R. S., § 4744, as amended by 1882, July 5, ch. 349, § 2, ante, p. 360.

March 3, 1891. CHAP. 550.—An act to revise the wages of certain employees in the Government Printing Office. (1)

26 Stat. L., 1084.

Pay for night work, Government Printing Office.

R. S. §§ 3763, 3764.

1883, Jan. 13, ch. 23, *ante*, p. 391.

Be it enacted, &c., That the pay of all the employees of the Government Printing Office engaged on night work (between the hours of five o'clock postmeridian and eight o'clock antemeridian) shall be twenty per centum in addition to the amount paid for day labor.

SEC. 2. That all acts and parts of acts conflicting herewith are hereby repealed. [March 3, 1891.]

NOTE.—(1) The following are the laws in force relating to employees in the Government Printing Office:

R. S., § 3763, authorizes the Public Printer to fix rates of wages, but he is not to employ more hands than necessary. R. S., § 3764, authorizes night-work. By 1876, July 31, ch. 246, par. 1, *ante*, p. 114, he is to employ only thoroughly skilled workmen, after trial of skill. By 1877, Feb. 16, ch. 58, *ante*, p. 129, the rate for composition and for time work to printers and bookbinders is limited. By 1880, April 16, Res. No. 22, *ante*, p. 308, and 1885, Jan. 6, Res. No. 5, *ante*, p. 466, certain holidays with pay are allowed. See Harrison's Case, 26 C. Cls. By 1883, Jan. 13, ch. 23, *ante*, p. 391, customary extra prices are to be paid for certain extra work. By 1886, June 30, ch. 572, *ante*, p. 499, and 1888, Aug. 1, ch. 722, *ante*, p. 600, leave of absence is allowed. By 1888, March 30, ch. 47, par. 2, *ante*, p. 582, the Public Printer is directed to rigidly enforce the eight-hour law. The laws relating to the Public Printer are reviewed in note to 1876, July 31, ch. 246, par. 1, *ante*, p. 114.

March 3, 1891.

26 Stat. L., 1084.

Certain aliens denied admission:

Insane.

Paupers.

Diseased.

Convicts.

Polygamists.

Assisted immigrants, unless, &c.

1885, Feb. 26, ch. 164, § 2, *ante*, p. 479.

Relatives or friends, not of excluded classes, may be sent for.

Political refugees not excluded.

No compromise of suits without consent of court.

1885, Feb. 26, ch. 164, § 3, *ante*, p. 479.

CHAP. 551.—An act in amendment to the various acts relative to immigration and the importation of aliens under contract or agreement to perform labor. (1)

Be it enacted, &c., That the following classes of aliens shall be excluded from admission (2) into the United States, in accordance with the existing acts regulating immigration, other than those concerning Chinese laborers: (3)

All idiots, insane persons,

Paupers or persons likely to become a public charge,

Persons suffering from a loathsome or a dangerous contagious disease,

Persons who have been convicted of a felony or other infamous crime or misdemeanor involving moral turpitude,

Polygamists,

And also any person whose ticket or passage is paid for with the money of another or who is assisted by others to come, unless it is affirmatively and satisfactorily shown on special inquiry that such person does not belong to one of the foregoing excluded classes, or to the class of contract laborers excluded by the act of February twenty-sixth, eighteen hundred and eighty-five,

But this section shall not be held to exclude persons living in the United States from sending for a relative or friend who is not of the excluded classes under such regulations as the Secretary of the Treasury may prescribe:

Provided, That nothing in this act shall be construed to apply to or exclude persons convicted of a political offense, notwithstanding said political offense may be designated as a "felony, crime, infamous crime, or misdemeanor, involving moral turpitude" by the laws of the land whence he came or by the court convicting.

SEC. 2. That no suit or proceeding for violations of said act of February twenty-sixth, eighteen hundred and eighty-five, prohibiting the importation and migration of foreigners under contract or agreement to perform labor, shall be settled, compromised, or dis-

NOTES.—(1) As to labor legislation in general, see note to 1888, June 13, ch. 389, *ante*, p. 591.
(2) By 1875, March 3, ch. 141, §§ 3, 5, *ante*, p. 87, immigration is forbidden of persons undergoing sentence for felony (other than political crimes), or whose sentence has been remitted on condition of emigration, and of women imported for purposes of prostitution. These persons may be returned on the vessel bringing them. By 1882, Aug. 3, ch. 376, § 4, *ante*, p. 370, foreign convicts are to be returned and special provision is made for the execution of the law by the Secretary of the Treasury. By 1885, Feb. 26, ch. 164, § 1, *ante*, p. 479, it is made unlawful to prepay transportation or to assist or encourage the immigration of aliens to the U. S., and all contracts made for the labor in the U. S. of a prospective immigrant are declared void and (\$4) punishment is provided for the master of a vessel bringing such an immigrant and for the immigrant. By 1887, Feb. 23, ch. 220, *ante*, p. 541, and 1888, Oct. 19, ch. 1210, par. 1, *ante*, p. 633, additional provisions are added to make this law effective. These are all the laws regulating or forbidding immigration, except those relating to the coolie trade (see 1875, March 3, ch. 141, §§ 1, 2, 4, *ante*, pp. 86, 87) and Chinese (see 1888, Oct. 1, ch. 1064 and note, *ante*, p. 625), in existence prior to the above law of 1891. This adds other classes and makes stringent provisions for its enforcement.

(3) As to exclusion of Chinese, see note to 1888, Oct. 1, ch. 1064, *ante*, p. 625.

continued without the consent of the court entered of record with reasons therefor.

SEC. 3. That it shall be deemed a violation of said act of February twenty-sixth, eighteen hundred and eighty-five, to assist or encourage the importation or migration of any alien by promise of employment through advertisements printed and published in any foreign country; and any alien coming to this country in consequence of such an advertisement shall be treated as coming under a contract as contemplated by such act; and the penalties by said act imposed shall be applicable in such a case:

Provided This section shall not apply to States and Immigration Bureaus of States advertising the inducements they offer for immigration to such States.

SEC. 4. That no steamship or transportation company or owners of vessels shall directly, or through agents, either by writing, printing, or oral representations, solicit, invite or encourage the immigration of any alien into the United States, except by ordinary commercial letters, circulars, advertisements, or oral representations, stating the sailings of their vessels and the terms and facilities of transportation therein;

And for a violation of this provision any such steamship or transportation company and any such owners of vessels, and the agents by them employed, shall be subjected to the penalties imposed by the third section of said act of February twenty-sixth, eighteen hundred and eighty-five, for violations of the provision of the first section of said act.

SEC. 5. That section five of said act of February twenty-sixth, eighteen hundred and eighty-five, shall be, and hereby is, amended by adding to the second proviso in said section the words "nor to ministers of any religious denomination, nor persons belonging to any recognized profession, nor professors for colleges and seminaries," and by excluding from the second proviso of said section the words, "or any relative or personal friend."

SEC. 6. That any person who shall bring into or land in the United States by vessel or otherwise, or who shall aid to bring into or land in the United States by vessel or otherwise, any alien not lawfully entitled to enter the United States shall be deemed guilty of a misdemeanor, and shall, on conviction, be punished by a fine not exceeding one thousand dollars or by imprisonment for a term not exceeding one year, or by both such fine and imprisonment.

SEC. 7. That the office of superintendent of immigration is hereby created and established, and the President, by and with the advice and consent of the Senate, is authorized and directed to appoint such officer, whose salary shall be four thousand dollars per annum, payable monthly.

The superintendent of immigration shall be an officer in the Treasury Department, under the control and supervision of the Secretary of the Treasury, to whom he shall make annual reports in writing of the transactions of his office, together with such special reports, in writing, as the Secretary of the Treasury shall require.

The Secretary shall provide the superintendent with a suitable furnished office in the city of Washington, and with such books of record and facilities for the discharge of the duties of his office as may be necessary.

He shall have a chief clerk, at a salary of two thousand dollars per annum, and two first-class clerks.

SEC. 8. That upon the arrival by water at any place within the United States of any alien immigrants it shall be the duty of the commanding officer and the agents of the steam or sailing vessel by

Promise of employment in advertisements unlawful and immigrants so induced to come excluded. 1885, Feb. 26, ch. 164, § 1, *ante*, p. 479.

State Bureaus not included.

Soliciting immigrants forbidden. 1885, Feb. 26, ch. 164, § 1, *ante*, p. 479.

Penalties for violation. 1885, Feb. 26, ch. 164, § 3, *ante*, p. 479.

Ministers, professional persons, and college professors not prohibited.

Relatives and personal friends, if otherwise prohibited, not ad- § 5, *ante*, p. 479.

Penalty for illegal bringing or aiding illegal landing.

1875, March 3, ch. 141, § 5, *ante*, p. 87.

1885, Feb. 26, ch. 164, §§ 8, 4, *ante*, 320, § 8, *ante*, p. 542.

Superintendent of immigration—salary.

—duties and reports.

—office.

—clerks.

Inspection of immigrants on arrival. 1875, March 3, ch.

141, § 5, *ante*, p. 87.
1882, Aug. 3, ch.
376, § 2, *ante*, p. 370.
1887, Feb. 23, ch.
220, § 6, *ante*, p. 541.

which they came to report the name, nationality, last residence, and destination of every such alien, before any of them are landed, to the proper inspection officers, who shall thereupon go or send competent assistants on board such vessel and there inspect all such aliens, or the inspection officers may order a temporary removal of such aliens for examination at a designated time and place, and then and there detain them until a thorough inspection is made. But such removal shall not be considered a landing during the pendency of such examination.

Medical examination.

The medical examination shall be made by surgeons of the Marine Hospital Service. In cases where the services of a Marine Hospital Surgeon can not be obtained without causing unreasonable delay the inspector may cause an alien to be examined by a civil surgeon and the Secretary of the Treasury shall fix the compensation for such examination.

Powers of inspection officers.

The inspection officers and their assistants shall have power to administer oaths, and to take and consider testimony touching the right of any such aliens to enter the United States, all of which shall be entered of record.

Immigrants to be cared for.

During such inspection after temporary removal the superintendent shall cause such aliens to be properly housed, fed, and cared for, and also, in his discretion, such as are delayed in proceeding to their destination after inspection.

Decisions of inspectors reviewable only by superintendent and Secretary of Treasury.

All decisions made by the inspection officers or their assistants touching the right of any alien to land, when adverse to such right, shall be final unless appeal be taken to the superintendent of immigration, whose action shall be subject to review by the Secretary of the Treasury.

Officers and agents of vessel to prevent landing before inspection.

It shall be the duty of the aforesaid officers and agents of such vessel to adopt due precautions to prevent the landing of any alien immigrant at any place or time other than that designated by the inspection officers, and any such officer or agent or person in charge of such vessel who shall either knowingly or negligently land or permit to land any alien immigrant at any place or time other than that designated by the inspection officers, shall be deemed guilty of a misdemeanor and punished by a fine not exceeding one thousand dollars, or by imprisonment for a term not exceeding one year, or by both such fine and imprisonment.

Rules for inspection on land borders.

That the Secretary of the Treasury may prescribe rules for inspection along the borders of Canada, British Columbia, and Mexico so as not to obstruct or unnecessarily delay, impede, or annoy passengers in ordinary travel between said countries:

Inspectors to be appointed.

Provided, That not exceeding one inspector shall be appointed for each customs district, and whose salary shall not exceed twelve hundred dollars per year.

Duties of inspection officers.

1882, Aug. 3, ch.
376, § 2, *ante*, p. 370.
1887, Feb. 23,
ch. 220, §§ 7, 8,
ante, p. 542.

All duties imposed and powers conferred by the second section of the act of August third, eighteen hundred and eighty-two, upon State commissioners, boards, or officers acting under contract with the Secretary of the Treasury shall be performed and exercised, as occasion may arise, by the inspection officers of the United States.

Jurisdiction of State authorities to preserve peace and arrest for crimes to extend to immigrant stations.

SEC. 9. That for the preservation of the peace and in order that arrests may be made for crimes under the laws of the States where the various United States immigrant stations are located, the officials in charge of such stations as occasion may require shall admit therein the proper State and municipal officers charged with the enforcement of such laws, and for the purposes of this section the jurisdiction of such officers and of the local courts shall extend over such stations.

Illegal immigrants to be returned.

SEC. 10. That all aliens who may unlawfully come to the United States shall, if practicable, be immediately sent back on the vessel by which they were brought in. The cost of their maintenance

while on land, as well as the expense of the return of such aliens, shall be borne by the owner or owners of the vessel on which such aliens came;

1875, Mar. 8, ch. 141, § 5, *ante*, p. 87.
1882, Aug. 8, ch. 376, § 4, *ante*, p. 542.
§ 8, *ante*, p. 542.
Penalty for refusal to return or to pay cost of maintenance.

And if any master, agent, consignee, or owner of such vessel shall refuse to receive back on board the vessel such aliens, or shall neglect to detain them thereon, or shall refuse or neglect to return them to the port from which they came, or to pay the cost of their maintenance while on land, such master, agent, consignee, or owner shall be deemed guilty of a misdemeanor, and shall be punished by a fine not less than three hundred dollars for each and every offense; and any such vessel shall not have clearance from any port of the United States while any such fine is unpaid.

370. 1887, Feb. 23, ch. 220.

SEC. 11. That any alien who shall come into the United States in violation of law may be returned as by law provided, at any time within one year thereafter, at the expense of the person or persons, vessel, transportation company, or corporation bringing such alien into the United States, and if that can not be done, then at the expense of the United States; and any alien who becomes a public charge within one year after his arrival in the United States from causes existing prior to his landing therein shall be deemed to have come in violation of law and shall be returned as aforesaid.

Return in one year of alien unlawfully here, etc.
1888, Oct. 19, ch. 1210, par. 1, *ante*, p. 638.

SEC. 12. [*Relates to pending cases.*]

SEC. 13. That the circuit and district courts of the United States are hereby invested with full and concurrent jurisdiction of all causes, civil and criminal, arising under any of the provisions of this act; and this act shall go into effect on the first day of April, eighteen hundred and ninety-one. [*March 3, 1891.*]

Jurisdiction granted to circuit and district courts

CHAP. 552.—An act to establish certain ports of delivery in Alaska Territory (1).

March 3, 1891.

Be it enacted, &c., That Mary Island, Wrangel, Juneau, Sand Point, Kodiak, and Ounalaska be, and the same are hereby, constituted ports of delivery within the collection district of Alaska.

26 Stat. L., 1087.
Alaska ports of delivery established.
R. S., § 2591.
Officers.
R. S., § 2592.

The Secretary of the Treasury may designate customs officers to be stationed at each of said ports with authority to enter and clear vessels, receive duties, fees, and other moneys, and perform such other services as in his judgment the exigencies of commerce may require.

SEC. 2. [*Appropriates for buildings.*] [*March 3, 1891.*]

NOTE.—(1) For laws relating to Alaska see note to 1884, May 17, ch. 53, *ante*, p. 490.

CHAP. 555.—An act to provide for the inspection of live cattle, hogs, and the carcasses and products thereof which are the subjects of interstate commerce, and for other purposes.

March 3, 1891.

Be it enacted, &c., That the Secretary of Agriculture shall cause to be made a careful inspection of all cattle intended for export to foreign countries from the United States, at such times and places, and in such manner, as he may think proper, with a view to ascertain whether such cattle are free from disease;

26 Stat. L., 1089.
Cattle intended for export to be inspected.

And for this purpose he may appoint inspectors, who shall be authorized to give an official certificate clearly stating the condition in which such animals are found,

1884, May 29, ch. 60, §§ 4, 5, *ante*, p. 436.
Inspectors and certificates.

And no clearance shall be given to any vessel having on board cattle for exportation to a foreign country unless the owner or shipper of such cattle has a certificate from the inspector herein authorized to be appointed, stating that said cattle are sound and free from disease.

1890, Aug. 30, ch. 839, § 1, *ante*, p. 797.
Clearances of vessels.
1891, Mar. 3, ch. 521, *ante*, p. 908.

Cattle whose meat is to be exported, to be inspected.

1890, Aug. 30, ch. 839, § 1, *ante*, p. 794.

Inspection certificate.

Clearances of vessels.

Cattle, &c., intended for interstate commerce to be inspected before slaughter.

—and, where necessary, after slaughter.

Regulations to be prescribed by Secretary of Agriculture.

Forging official marks, &c.; how punished.

Transporting carcasses declared unsound for bid-
den.

—penalty for.

Certificates for sound cattle and meats to be given.

SEC. 2. That the Secretary of Agriculture shall also cause to be made a careful inspection of all live cattle the meat of which is intended for exportation to any foreign country, at such times and places, and in such manner, as he may think proper, with a view to ascertain whether said cattle are free from disease and their meat sound and wholesome,

And may appoint inspectors, who shall be authorized to give an official certificate clearly stating the condition in which such cattle and meat are found,

And no clearance shall be given to any vessel having on board any fresh beef for exportation to and sale in a foreign country from any port of the United States until the owner or shipper shall obtain from an inspector appointed under the provisions of this act such certificate.

SEC. 3. The Secretary of Agriculture shall cause to be inspected prior to their slaughter, all cattle, sheep, and hogs which are subjects of interstate commerce and which are about to be slaughtered at slaughter-houses, canning, salting, packing or rendering establishments in any State or Territory, the carcasses or products of which are to be transported and sold for human consumption in any other State or Territory, or the District of Columbia,

And in addition to the aforesaid inspection, there may be made in all cases where the Secretary of Agriculture may deem necessary or expedient, under rules and regulations to be by him prescribed, a post mortem examination of the carcasses of all cattle, sheep, and hogs about to be prepared for human consumption at any slaughter-house, canning, salting, packing or rendering establishment in any State or Territory, or the District of Columbia which are the subjects of interstate commerce.

SEC. 4. That said examination shall be made in the manner provided by rules and regulations to be prescribed by the Secretary of Agriculture, and after said examination the carcasses and products of all cattle, sheep, and swine found to be free of disease, and wholesome, sound, and fit for human food, shall be marked, stamped, or labeled for identification as may be provided by said rules and regulations of the Secretary of Agriculture.

Any person who shall forge, counterfeit, or knowingly and wrongfully alter, deface, or destroy any of the marks, stamps, or other devices provided for in the regulations of the Secretary of Agriculture, of any such carcasses or their products, or who shall forge, counterfeit, or knowingly and wrongfully alter, deface, or destroy any certificate provided for in said regulations, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding one thousand dollars, or imprisonment not exceeding one year, or by both said punishments in the discretion of the court.

SEC. 5. That it shall be unlawful for any person to transport from one State or Territory or the District of Columbia into any other State or Territory or the District of Columbia, or for any person to deliver to another for transportation from one State or Territory or the District of Columbia into another State or Territory or the District of Columbia the carcasses of any cattle, sheep, or swine, or the food products thereof, which have been examined in accordance with the provisions of sections three and four of this act, and which on said examination have been declared by the inspector making the same to be unsound or diseased.

Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and punished for each offense as provided in section four of this act.

SEC. 6. That the inspectors provided for in sections one and two of this act shall be authorized to give official certificates of the sound and wholesome condition of the cattle, sheep, and swine, their carcasses and products described in sections three and four of this act,

and one copy of every certificate granted under the provisions of this act shall be filed in the Department of Agriculture, another copy shall be delivered to the owner or shipper, and when the cattle, sheep, and swine, or their carcasses and products are sent abroad, a third copy shall be delivered to the chief officer of the vessel on which the shipment shall be made. — where to be filed, &c.

SEC. 7. That none of the provisions of this act shall be so construed as to apply to any cattle, sheep, or swine slaughtered by any farmer upon his farm, which may be transported from one State or Territory or the District of Columbia into another State or Territory or the District of Columbia: Act not applicable to farmers.

Provided, however, That if the carcasses of such cattle, sheep, or swine go to any packing or canning establishment and are intended for transportation to any other State or Territory or the District of Columbia as hereinbefore provided, they shall there be subject to the post mortem examination provided for in sections three and four of this act. [March 3, 1891.] —unless carcasses of cattle, &c., are sent to canning establishment.

CHAP. 559.—An act to amend section eight of an act approved March third, eighteen hundred and ninety-one, entitled "An act to repeal timber culture laws and for other purposes"

March 3, 1891.
26 Stat. L., 1093.

Be it enacted, &c., (1), That section eight of an act entitled "An act to repeal timber culture laws, and for other purposes," approved March third, eighteen hundred and ninety-one, be and the same is hereby amended so as to read as follows:

Substitute for
1891, Mar. 3, ch. 581, § 8, *post*, p. 943, and 26 Stat. L., 1099.

"SEC. 8. That suits by the United States to vacate and annul any patent heretofore issued shall only be brought within five years from the passage of this act, and suits to vacate and annul patents hereafter issued shall only be brought within six years after the date of the issuance of such patents.

Suits to annul patents to be brought in five or six years.

And in the States of Colorado, Montana, Idaho, North Dakota, and South Dakota, Wyoming, and the District of Alaska, and the gold and silver regions of Nevada and the Territory of Utah in any criminal prosecution or civil action by the United States for a trespass on such public timber lands or to recover timber or lumber cut thereon it shall be a defense if the defendant shall show that the said timber was so cut or removed from the timber lands for use in such State or Territory by a resident thereof for agricultural, mining, manufacturing, or domestic purposes under rules and regulations made and prescribed by the Secretary of the Interior and has not been transported out of the same,

Timber-depredation actions in certain States may be defended if timber removed under regulations of Secretary of Interior.

But nothing herein contained shall operate to enlarge the rights of any railway company to cut timber on the public domain,

1878, April 30, ch. 76; June 3, chs. 150, 151, § 4, *ante*, pp. 159, 166, 168.

Provided that the Secretary of the Interior may make suitable rules and regulations to carry out the provisions of this act, and he may designate the sections or tracts of land where timber may be cut, and it shall not be lawful to cut or remove any timber except as may be prescribed by such rules and regulations,

Rights of railway companies not enlarged.

Secretary of Interior may make rules.

But this act shall not operate to repeal the act of June third, eighteen hundred and seventy-eight, providing for the cutting of timber on mineral lands. [March 3, 1891.]

Timber on mineral lands, former law not repealed.

1878, June 3, ch. 150, *ante*, p. 166.

NOTE.—(1) This act bears a lower number, and so is printed in the Statutes at Large before the act which it amends (26 Stat. L., 1093, 1095, 1099), *post*, p. 940.

March 3, 1891.

CHAP. 561. — An act to repeal timber-culture laws, and for other purposes.

26 Stat. L., 1095.

Timber-culture laws repealed.

Claims already initiated are preserved.

2,700 trees planted per acre not required.

Period of cultivation to run from entry.

Preparatory acts to be computed.

Timber-culture entries may be commuted after four years.

Fees as in homestead entries.

R. S., § 2290, as amended, *post*, § 5, p. 942.

Lands acquired under this act not liable for prior debts.

Desert land act amended.

1877, Mar. 3, ch. 107, *ante*, p. 137.

1890, Aug. 30, ch. 837, par. 3, *ante*, p. 791.

Plan of proposed irrigation to be filed.

Entrymen may unite in plan.

Three dollars per acre to be expended.

Be it enacted, &c., That an act entitled "An act to amend an act entitled 'An act to encourage the growth of timber on the Western prairies,'" approved June fourteenth, eighteen hundred and seventy eight, and all laws supplementary thereto or amendatory thereof, be, and the same are hereby, repealed: (1)

Provided, That this repeal shall not affect any valid rights heretofore accrued or accruing under said laws, but all bona fide claims lawfully initiated before the passage of this act may be perfected upon due compliance with law, in the same manner, upon the same terms and conditions, and subject to the same limitations, forfeitures, and contests as if this act had not been passed:

And provided further, That the following words of the last clause of section two of said act, namely, "That not less than twenty-seven hundred trees were planted on each acre," are hereby repealed:

And provided further, That in computing the period of cultivation the time shall run from the date of the entry, if the necessary acts of cultivation were performed within the proper time:

And provided further, That the preparation of the land and the planting of trees shall be construed as acts of cultivation, and the time authorized to be so employed and actually employed shall be computed as a part of the eight years of cultivation required by statute:

Provided, That any person who has made entry of any public lands of the United States under the timber-culture laws, and who has for a period of four years in good faith complied with the provisions of said laws and who is an actual bona fide resident of the State or Territory in which said land is located shall be entitled to make final proof thereto, and acquire title to the same, by the payment of one dollar and twenty five cents per acre for such tract, under such rules and regulations as shall be prescribed by the Secretary of the Interior,

And registers and receivers shall be allowed the same fees and compensation for final proofs in timber-culture entries as is now allowed by law in homestead entries:

And provided further, That no land acquired under the provisions of this act shall in any event become liable to the satisfaction of any debt or debts contracted prior to the issuing of the final certificate therefor.

SEC. 2. That an act to provide for the sale of desert lands in certain States and Territories, approved March third, eighteen hundred and seventy-seven, is hereby amended by adding thereto the following sections:

SEC. 4. That at the time of filing the declaration hereinbefore required the party shall also file a map of said land, which shall exhibit a plan showing the mode of contemplated irrigation, and which plan shall be sufficient to thoroughly irrigate and reclaim said land, and prepare it to raise ordinary agricultural crops, and shall also show the source of the water to be used for irrigation and reclamation. Persons entering or proposing to enter separate sections, or fractional parts of sections, of desert lands, may associate together in the construction of canals and ditches for irrigating and reclaiming all of said tracts, and may file a joint map or maps showing their plan of internal improvements.

SEC. 5. That no land shall be patented to any person under this act unless he or his assignors shall have expended in the necessary irrigation, reclamation, and cultivation thereof, by means of mair

NOTE.—(1) R. S., §§ 2317, 2464-2468, contain the timber-culture laws then in force. Modifications were made by 1876, May 20, ch. 102 (19 Stat. L., 54), and 1878, June 3, ch. 152, *ante*, p. 169. The above sections R. S. and the act of 1876 were superseded by 1878, June 14, ch. 190 (20 Stat. L., 113), above repealed. No important amendment of this law was afterward made.

canals and branch ditches, and in permanent improvements upon the land, and in the purchase of water rights for the irrigation of the same, at least three dollars per acre of whole tract reclaimed and patented in the manner following: Within one year after making entry for such tract of desert land as aforesaid the party so entering shall expend not less than one dollar per acre for the purposes aforesaid: and he shall in like manner expend the sum of one dollar per acre during the second and also during the third year thereafter, until the full sum of three dollars per acre is so expended. Said party shall file during each year with the register proof, by the affidavits of two or more credible witnesses, that the full sum of one dollar per acre has been expended in such necessary improvements during such year, and the manner in which expended, and at the expiration of the third year a map or plan showing the character and extent of such improvements. If any party who has made such application shall fail during any year to file the testimony aforesaid the lands shall revert to the United States, and the twenty-five cents advanced payment shall be forfeited to the United States, and the entry shall be canceled.

When to be expended.

On failure of proof entry to be canceled.

Nothing herein contained shall prevent a claimant from making his final entry and receiving his patent at an earlier date than hereinafter prescribed, provided that he then makes the required proof of reclamation to the aggregate extent of three dollars per acre:

Patent may issue at any time on proof of expenditure.

Provided, That proof be further required of the cultivation of one-eighth of the land.

Cultivation also required.

SEC. 6. That this act shall not affect any valid rights heretofore accrued under said act of March third, eighteen hundred and seventy-seven, but all bona-fide claims heretofore lawfully initiated may be perfected, upon due compliance with the provisions of said act, in the same manner, upon the same terms and conditions, and subject to the same limitations, forfeitures, and contests as if this act had not been passed; or said claims, at the option of the claimant, may be perfected and patented under the provisions of said act, as amended by this act, so far as applicable; and all acts and parts of acts in conflict with this act are hereby repealed.

Existing claims may be perfected under old law or under this law.

1877, Mar. 3, ch. 107, ante, p. 187.

SEC. 7. That at any time after filing the declaration, and within the period of four years thereafter, upon making satisfactory proof to the register and the receiver of the reclamation and cultivation of said land to the extent and cost and in the manner aforesaid, and substantially in accordance with the plans herein provided for, and that he or she is a citizen of the United States, and upon payment to the receiver of the additional sum of one dollar per acre for said land, a patent shall issue therefor to the applicant or his assigns;

Patents to issue within four years upon proof and payment.

But no person or association of persons shall hold by assignment or otherwise prior to the issue of patent, more than three hundred and twenty acres of such arid or desert lands but this section shall not apply to entries made or initiated prior to the approval of this act.

Limit of individual holding.

Provided, however, That additional proofs may be required at any time within the period prescribed by law, and that the claims or entries made under this or any preceding act shall be subject to contest, as provided by the law, relating to homestead cases, for illegal inception, abandonment, or failure to comply with the requirements of law, and upon satisfactory proof thereof shall be canceled, and the lands, and moneys paid therefor, shall be forfeited to the United States.

Additional proofs may be required and entries subject to contest.

SEC. 8. That the provisions of the act to which this is an amendment, and the amendments thereto, shall apply to and be in force in the State of Colorado, as well as the States named in the original act:

Act applicable to Colorado.
1877, Mar. 3, ch. 107, § 3, ante, p. 137.

And no person shall be entitled to make entry of desert land except he be a resident citizen of the State or Territory in which the land sought to be entered is located."

Resident citizens only may enter desert land.

Transfers before patent, for public purposes.

Substitute for
R. S., § 2288.
R. S., § 2262,
2290, as amended,
post, § 5.
Post, §§ 18-21,
pp. 946, 947.

Preemption laws repealed:

R. S., §§ 2257-
2274, 2277-2285,
2287-2288.
1889, March 2,
ch. 391, ante, p.
676.

Claims already initiated may be perfected.

Who may make homestead entries.

Substitute for
R. S., §§ 2289,
2290.
1890, May 2, ch.
182, § 20, ante, p.
729.

Owner of over 160 acres to acquire no rights.

1890, Aug. 30, ch.
837, par. 3, ante, p.
791.

Adjoining farm entries.

R. S., § 2306.

Affidavit of person applying to for homestead entry.

SEC. 3. That section twenty-two hundred and eighty-eight of the Revised Statutes be amended so as to read as follows:

SEC. 2288. Any bona fide settler under the pre-emption, homestead, or other settlement law shall have the right to transfer, by warranty against his own acts, any portion of his claim for church, cemetery, or school purposes, or for the right of way of railroads, canals, reservoirs, or ditches for irrigation or drainage across it; and the transfer for such public purposes shall in no way vitiate the right to complete and perfect the title to his claim."

SEC. 4. That chapter four of title thirty-two, excepting sections twenty-two hundred and seventy-five, twenty-two hundred and seventy-six, twenty-two hundred and eighty-six, of the Revised Statutes of the United States, and all other laws (2) allowing pre-emption of the public lands of the United States, are hereby repealed,

But all bona fide claims lawfully initiated before the passage of this act, under any of said provisions of law so repealed, may be perfected upon due compliance with law, in the same manner, upon the same terms and conditions, and subject to the same limitations, forfeitures, and contests, as if this act had not been passed.

SEC. 5. That sections twenty two hundred and eighty-nine and twenty-two hundred and ninety, in said chapter numbered five of the Revised Statutes, be, and the same are hereby, amended, so that they shall read as follows:

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, to be located in a body in conformity to the legal subdivisions of the public lands;

But no person who is the proprietor of more than one hundred and sixty acres of land in any State or Territory, shall acquire any right under the homestead law.

791.

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.

SEC. 2290. That any person applying to enter land under the preceding section shall first make and subscribe before the proper officer and file in the proper land office an affidavit that he or she is the head of a family, or is over twenty-one years of age, and that such application is honestly and in good faith made for the purpose of actual settlement and cultivation, and not for the benefit of any other person, persons or coporation, and that he or she will faithfully and honestly endeavor to comply with all the requirements of law as to settlement, residence, and cultivation necessary to acquire title to the land applied for; that he or she is not acting as agent of any person, corporation, or syndicate in making such entry, nor in collusion with any person, corporation or syndicate to give them the benefit of the land entered, or any part thereof, or the timber thereon; that he or she does not apply to enter the same for the purpose of speculation, but in good faith to obtain a home for himself, or herself, and that he or she has not directly or indirectly made, and will not make, any agreement or contract in any way or manner, with any person or persons, corporation or syndicate whatsoever, by which the title which he or she might acquire from the Government of the United States should inure, in whole or in part, to the benefit of any person, except himself, or herself,

NOTE.—(2) The acts of 1877, March 5, ch. 123 (19 Stat. L. 404); 1875, May 27, ch. 146, and 1878, June 14, ch. 189 (20 Stat. L. 63, 113), permitting pre-emptioners who have changed to homestead entries to credit their time from original settlement, are superseded as to future permanent operations by this act. See also 1889, March 2, ch. 381, § 1, ante, p. 682. Various other acts contain provisions common to pre-emption and homestead entries and are by this act superseded as to the former.

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 or she shall thereupon be permitted to enter the amount of land specified."

SEC. 6. That section twenty-three hundred and one of the Revised Statutes be amended so as to read as follows:

"SEC. 2301. Nothing in this chapter shall be so construed as to prevent any person who shall hereafter avail 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 after the expiration of fourteen calendar months from the date of such entry, and obtaining a patent therefor, upon making proof of settlement and of residence and cultivation for such period of fourteen months."

And the provision of this section shall apply to lands on the ceded portion of the Sioux Reservation by act approved March second, eighteen hundred and eighty-nine, (3) in South Dakota, but shall not relieve said settlers from any payments now required by law.

SEC. 7. That whenever it shall appear to the Commissioner of the General Land Office that a clerical error has been committed in the entry of any of the public lands such entry may be suspended, upon proper notification to the claimant, through the local land office, until the error has been corrected;

And all entries made under the preemption, homestead, desert-land, or timber-culture laws, in which final proof and payment may have been made and certificates issued, and to which there are no adverse claims originating prior to final entry and which have been sold or incumbered prior to the first day of March, eighteen hundred and eighty-eight, and after final entry, to bona-fide purchasers, or incumbrancers, for a valuable consideration, shall unless upon an investigation by a Government Agent, fraud on the part of the purchaser has been found, be confirmed and patented upon presentation of satisfactory proof to the Land Department of such sale or incumbrance:

Provided, That after the lapse of two years from the date of the issuance of the receiver's receipt upon the final entry of any tract of land under the homestead, timber-culture, desert-land, or pre-emption laws, or under this act, and when there shall be no pending contest or protest against the validity of such entry, the entryman shall be entitled to a patent conveying the land by him entered, and the same shall be issued to him;

But this proviso shall not be construed to require the delay of two years from the date of said entry before the issuing of a patent therefor.

SEC. 8. [(4) *Superseded by 1891, March 3, ch. 559, ante, p. 939.*]

SEC. 9. That hereafter no public lands of the United States, except abandoned military or other reservations isolated and disconnected fractional tracts authorized to be sold by section twenty-four hundred and fifty-five of the Revised Statutes, and mineral and other lands the sale of which at public auction has been authorized by acts of Congress of a special nature having local application, shall be sold at public sale,

p. 127. 1884, July 5, ch. 214, § 2, *ante*, p. 454. 1889, Mar. 3, ch. 381,

SEC. 10. That nothing in this act shall change, repeal, or modify any agreements or treaties made with any Indian tribes (5) for the disposal of their lands, or of land ceded to the United States to be

Fees.

Homestead entry may be commuted after fourteen months residence.

Substitute for R. S., § 2301.

This section applicable to Sioux Reservation.

1889, Mar. 2, ch. 405, § 21 (25 Stat. L., 896).

Entry may be suspended for correction of clerical errors.

—to be patented, if no adverse claims, where final proof has it, if bona fide sale or incumbrance exists.

Patent to be issued after two years from receiver's receipt, if no pending contest.

Two years' delay not required.

Public lands not to be sold at public sale.

R. S., §§ 2353-2376, 2455.

1876, July 4, ch. 165, *ante*, p. 109.

1877, Jan. 12, ch. 18, and note, *ante*,

§ 1, *ante*, p. 682.

Indian agreements not changed.

NOTES.—(3) This act, 1889, March 2, ch. 405 (25 Stat. L., 888), has been omitted from this volume as local. The proclamation declaring these lands open was made 1890, Feb. 10, Proc. No. 9 (26 Stat. L., 1554.)

(4) The act of 1891, March 3, ch. 559, *ante*, p. 939, although an amendment, having a lower number, is printed in the Statutes at Large, before this act (26 Stat. L., 1093, 1095, 1099).

(5) For list of tribes with whom allotment agreements have been made by special act of Congress, see note (1) to 1887, Feb. 8, ch. 119, *ante*, p. 534.

disposed of for the benefit of such tribes, and the proceeds thereof to be placed in the Treasury of the United States; and the disposition of such lands shall continue in accordance with the provisions of such treaties or agreements; except as provided in section 5 of this act.

§ 5, *ante*, p. 942

Alaska.
Town sites, how
entered.
R. S., §§ 2380-
2394.

—survey and di-
vision of lots.

—limit of entry.

—purchases for
trade or manufac-
ture.

—priority among
adverse claimants.

—payment for
surveys.
1884, May 17, ch.
53, § 8, *ante*, p. 430.

R. S., § 2401.

—surveys, how
made.

—approval of sur-
veys and payment
for land.

SEC. 11. That until otherwise ordered by Congress lands in (6) Alaska may be entered for town-site purposes, for the several use and benefit of the occupants of such town sites, by such trustee or trustees as may be named by the Secretary of the Interior for that purpose, such entries to be made under the provisions of section twenty-three hundred and eighty-seven of the Revised Statutes as near as may be;

And when such entries shall have been made the Secretary of the Interior shall provide by regulation for the proper execution of the trust in favor of the inhabitants of the town site, including the survey of the land into lots, according to the spirit and intent of said section twenty-three hundred and eighty-seven of the Revised Statutes, whereby the same results would be reached as though the entry had been made by a county judge and the disposal of the lots in such town site and the proceeds of the sale thereof had been prescribed by the legislative authority of a State or Territory:

Provided, That no more than six hundred and forty acres shall be embraced in one townsite entry.

SEC. 12. That any citizen of the United States twenty-one years of age, and any association of such citizens, and any corporation incorporated under the laws of the United States, or of any State or Territory of the United States now authorized by law to hold lands in the Territories now or hereafter in possession of and occupying public lands in Alaska for the purpose of trade or manufactures, may purchase not exceeding one hundred and sixty acres to be taken as near as practicable in a square form, of such land at two dollars and fifty cents per acre:

Provided, That in case more than one person, association or corporation shall claim the same tract of land the person, association or corporation having the prior claim by reason of possession and continued occupation shall be entitled to purchase the same; but the entry of no person, association, or corporation shall include improvements made by or in possession of another prior to the passage of this act.

SEC. 13. That it shall be the duty of any person, association, or corporation entitled to purchase land under this act to make an application to the United States marshal, ex officio surveyor-general of Alaska, for an estimate of the cost of making a survey of the lands occupied by such person, association, or corporation, and the cost of the clerical work necessary to be done in the office of the said United States marshal, ex officio surveyor-general; and on the receipt of such estimate from the United States marshal, ex officio surveyor-general, the said person, association, or corporation shall deposit the amount in a United States depository, as is required by section numbered twenty-four hundred and one, Revised Statutes, relating to deposits for surveys.

That on the receipt by the United States marshal, ex-officio surveyor-general, of the said certificates of deposit, he shall employ a competent person to make such survey, under such rules and regulations as may be adopted by the Secretary of the Interior, who shall make his return of his field notes and maps to the office of the said United States marshal, ex-officio surveyor-general; and the said United States marshal, ex officio surveyor-general, shall cause the said field notes and plats of such survey to be examined, and, if correct, approve the same, and shall transmit certified copies of such maps and plats to the office of the Commissioner of the General Land Office.

That when the said field notes and plats of said survey shall have been approved by the said Commissioner of the General Land Office,

NOTE.—(6) For laws relating to Alaska, see note to 1884, May 17, ch. 53, *ante*, p. 430.

he shall notify such person, association, or corporation, who shall then, within six months after such notice, pay to the said United States marshal, ex officio surveyor-general, for such land, and patent shall issue for the same.

SEC. 14. That none of the provisions of the last two preceding sections of this act shall be so construed as to warrant the sale of any lands belonging to the United States which shall contain coal or the precious metals, or any town site, or which shall be occupied by the United States for public purposes, or which shall be reserved for such purposes, or to which the natives of Alaska have prior rights by virtue of actual occupation, or which shall be selected by the United States Commissioner of Fish and Fisheries on the island of Kadiak and Afognak for the purpose of establishing fish-culture stations.

And all tracts of land not exceeding six hundred and forty acres in any one tract now occupied as missionary stations in said district of Alaska are hereby excepted from the operation of the last three preceding sections of this act.

No portion of the islands of the Pribylov Group or the Seal Islands of Alaska shall be subject to sale under this act;

And the United States reserves, and there shall be reserved in all patents issued under the provisions of the last two preceding sections the right of the United States to regulate the taking of salmon and to do all things necessary to protect and prevent the destruction of salmon in all the waters of the lands granted by salmon.

SEC. 15. That until otherwise provided by law the body of lands known as Annette Islands, situated in Alexander Archipelago in Southeastern Alaska, on the north side of Dixon's entrance, be, and the same is hereby, set apart as a reservation for the use of the Metlakahla Indians, and those people known as Metlakahtlans who have recently emigrated from British Columbia to Alaska, and such other Alaskan natives as may join them, to be held and used by them in common, under such rules and regulations, and subject to such restrictions, as may be prescribed from time to time by the Secretary of the Interior.

SEC. 16. That town-site entries may be made by incorporated towns and cities on the mineral lands of the United States, but no title shall be acquired by such towns or cities to any vein of gold, silver, cinnabar, copper, or lead, or to any valid mining claim or possession held under existing law.

When mineral veins are possessed within the limits of an incorporated town or city, and such possession is recognized by local authority or by the laws of the United States, the title to town lots shall be subject to such recognized possession and the necessary use thereof and when entry has been made or patent issued for such town sites to such incorporated town or city, the possessor of such mineral vein may enter and receive patent for such mineral vein, and the surface ground appertaining thereto:

Provided, That no entry shall be made by such mineral-vein claimant for surface ground where the owner or occupier of the surface ground shall have had possession of the same before the inception of the title of the mineral-vein applicant.

SEC. 17. That reservoir sites located or selected and to be located and selected under the provisions of "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and eighty-nine, and for other purposes," and amendments thereto, shall be restricted to and shall contain only so much land as is actually necessary for the construction and maintenance of reservoirs; excluding so far as practicable lands occupied by actual settlers at the date of the location of said reservoirs

Alaska.

What lands reserved from entry under this act.

Missionary stations reserved.

1884, May 17, ch. 53, § 8, *ante*, p. 433.

Seal Islands reserved.

R. S. §§ 1956-1976. 1874 March 24, ch. 64, *ante*, p. 6.

Rights over salmon fisheries reserved.

1889, Mar. 2, ch. 415, *ante*, p. 701.

Annette Islands reserved for Metlakahla Indians and other natives.

Town-site entries not to include mining rights.

R. S. §§ 2818, 2860-2894.

Mining claims in incorporated town preserved.

R. S., §§ 2818-2843.

Prior right of surface owner protected.

Reservoir sites, to contain only necessary, and excluding occupied lands.

1888, Oct. 2, ch. 1069, par. 4, *ante*, p. 626.

1890, August 30, ch. 837, par. 3, *ante*, p. 792.

Maximum land entries not to include mining claims.

1890, August 30, ch. 837, par. 3, *ante*, p. 791.

§ 5, *ante*, p. 942.

Rights of way granted through public lands to canal companies, &c., § 3, *ante*, p. 942.

Not to interfere with Government occupation and maps to be approved.

1888, Oct. 2, ch. 1069, par. 4, *ante*,

Not to interfere with State control.

Maps to be filed by canal or ditch company.

Upon approval, future grants subject to right of way.

Damages to settler by canal company.

Applicable to existing and future canals, etc.

Forfeiture for noncompletion.

And that the provision of "An Act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and ninety-one, and for other purposes," which reads as follows, viz: "No person who shall after the passage of this act enter upon any of the public lands with a view to occupation, entry, or settlement under any of the land laws shall be permitted to acquire title to more than three hundred and twenty acres in the aggregate under all said laws," shall be construed to include in the maximum amount of lands the title to which is permitted to be acquired by one person only agricultural lands and not to include lands entered or sought to be entered under mineral land laws.

SEC. 18. That the right of way through the public lands and reservations of the United States is hereby granted to any canal or ditch company formed for the purpose of irrigation and duly organized under the laws of any State or Territory, which shall have filed, or may hereafter file, with the Secretary of the Interior a copy of its articles of incorporation, and due proofs of its organization under the same, to the extent of the ground occupied by the water of the reservoir and of the canal and its laterals, and fifty feet on each side of the marginal limits thereof; also the right to take, from the public lands adjacent to the line of the canal or ditch, material, earth, and stone necessary for the construction of such canal or ditch:

Provided, That no such right of way shall be so located as to interfere with the proper occupation by the Government of any such reservation, and all maps of location shall be subject to the approval of the Department of the Government having jurisdiction of such reservation,

p. 626. 1890, Aug. 30, ch. 837, par. 3, *ante*, p. 791.

And the privilege herein granted shall not be construed to interfere with the control of water for irrigation and other purposes under authority of the respective States or Territories.

SEC. 19. That any canal or ditch company desiring to secure the benefits of this act shall, within twelve months after the location of ten miles of its canal, if the same be upon surveyed lands, and if upon unsurveyed lands, within twelve months after the survey thereof by the United States, file with the register of the land office for the district where such land is located a map of its canal or ditch and reservoir; and upon the approval thereof by the Secretary of the Interior the same shall be noted upon the plats in said office, and thereafter all such lands over which such rights of way shall pass shall be disposed of subject to such right of way.

Whenever any person or corporation, in the construction of any canal, ditch, or reservoir, 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. 20. That the provisions of this act shall apply to all canals, ditches, or reservoirs, heretofore or hereafter constructed, whether constructed by corporations, individuals, or association of individuals, on the filing of the certificates and maps herein provided for. If such ditch, canal, or reservoir, has been or shall be constructed by an individual or association of individuals, it shall be sufficient for such individual or association of individuals to file with the Secretary of the Interior, and with the register of the land office where said land is located, a map of the line of such canal, ditch, or reservoir, as in case of a corporation, with the name of the individual owner or owners thereof, together with the articles of association, if any there be. Plats heretofore filed shall have the benefits of this act from the date of their filing, as though filed under it:

Provided, That if any section of said canal, or ditch, shall not be completed within five years after the location of said section, the

rights herein granted shall be forfeited as to any uncompleted section of said canal, ditch, or reservoir, to the extent that the same is not completed at the date of the forfeiture.

SEC. 21. That nothing in this act shall authorize such canal or ditch company to occupy such right of way except for the purpose of said canal or ditch, and then only so far as may be necessary for the construction, maintenance, and care of said canal or ditch.

SECS. 22 and 23. [*Local.*]

SEC. 24 That the President of the United States may, from time to time, set apart and reserve, in any State or Territory having public land bearing forests, in any part of the public lands wholly or in part covered with timber or undergrowth, whether of commercial value or not, as public reservations, and the President shall, by public proclamation, declare the establishment of such reservations and the limits thereof. (6) [*March 3, 1891.*]

NOTE.—(6) Certain forest reservations in California are made by 1890, Sept. 25, ch. 326, and Oct. 1, ch. 1263, (26 Stat. L. 478, 650). See also as to Yellowstone National Park, R. S., §§ 2474, 2475, and note (2) to 1890, July 10, ch. 364, § 2, *ante*, p. 708. Punishment for injuries to public reservations by 1875, March 3, ch. 151, *ante*, p. 91.

Rights granted only for canal use.

Forest reservations may be set apart by President.

CHAP. 562.—An act to amend section forty-seven hundred and eighty-seven of the Revised Statutes of the United States.

March 3, 1891.

26 Stat. L., 1108.

Be it enacted, &c., That section forty-seven hundred and eighty-seven of the Revised Statutes of the United States be amended by striking out the word "five" where it occurs therein, and inserting in lieu thereof the word "three" so that when amended said section will read as follows:

Substitute for R. S., § 4787.

Every officer, soldier, seaman, and marine who was disabled during the war for the suppression of the rebellion, in the military or naval service, and in the line of duty, or in consequence of wounds received or disease contracted therein, and who was furnished by the War Department since the seventeenth day of June, eighteen hundred and seventy, with an artificial limb or apparatus for resection, who was entitled to receive such limb or apparatus since said date, shall be entitled to receive a new limb or apparatus at the expiration of every three years thereafter, under such regulations as have been or may be prescribed by the Surgeon-General of the Army. [*March 3, 1891.*]

Artificial limbs, &c., to be furnished every three years.

R. S., §§ 4787-4791.

1876, Aug. 15, ch. 300, *ante*, p. 122.

1891, Mar. 3, ch. 542, par. 4, *ante*, p. 927.

CHAP. 563.—An act to provide for the payment of bonds of the District of Columbia falling due July first, eighteen hundred and ninety-one and July first and twenty-sixth, eighteen hundred and ninety-two.

March 3, 1891.

26 Stat. L., 1108.

Be it enacted, &c., That the Treasurer of the United States, ex officio commissioner of the sinking fund of the District of Columbia, is hereby directed to cause bonds to be prepared in sums of one hundred, five hundred, and one thousand dollars, to be designated as ten-year funding bonds of the District of Columbia, bearing interest at the rate of three and fifty hundredths per centum per annum, payable half yearly on the first days of July and January in each year.

District of Columbia ten-year funding bonds to be issued.

1878, June 11, ch. 180, § 7, *ante*, p. 179.

Such bonds shall be redeemable at pleasure after two years and payable ten years after the date of their issue.

Redeemable after two, payable after ten years.

—not taxable.

The principal and interest thereon shall be exempt from taxation by Federal, State, or municipal authority,

And the faith of the United States is hereby pledged that the United States will, by proportional appropriations and by causing to be levied upon the property within said District such taxes as will do so, provide the revenues necessary to pay the interest on said bonds

Faith of U. S. pledged.

1874, June 20, ch. 337, § 7, *ante*, p. 24.

as the same may become due and payable, and create a sinking fund for the payment of the same at maturity ;

And the bonds shall have set forth and expressed on their face the above specified conditions.

And the principal and interest thereon shall be made payable at the Treasury of the United States.

Said bonds shall be engraved and printed at the expense of the District of Columbia, shall be signed by the Treasurer of the United States, ex-officio commissioner of the sinking fund, countersigned by the auditor of the District of Columbia, and bear the seal of said District. They shall be numbered consecutively, and registered in the office of the Register of the United States Treasury, for which registration the Secretary of the Treasury shall make such provision as may be necessary.

The Treasurer of the United States is hereby authorized to sell and dispose of any of the bonds issued under this act, at not less than their par value, to the most favorable bidder or bidders, after having duly advertised the same for ten consecutive insertions in two daily papers in Washington and two in New York, the bids to be opened under such regulations as may be prescribed by the Secretary of the Treasury, and the award to be subject to his approval.

The proceeds thereof shall be applied to the redemption of any of the bonds of the District of Columbia falling due on the first day of July, eighteen hundred and ninety-one, and on the first and twenty sixth days of July, eighteen hundred and ninety-two; but the bonds hereby authorized shall be used for no other purpose whatsoever.

Any of the bonds hereby authorized may be called in for payment after the expiration of two years from the date of issue, by said Treasurer of the United States, at his discretion. The last of the said bonds originally issued under this act, and their substitutes, shall be first called in, and this order of payment shall be followed until all shall have been paid.

Public notice shall be given by advertisement by ten successive insertions in two daily papers published in the city of Washington of the time on which payment will be made, and the interest on the particular bonds so selected at any time to be paid shall cease at the expiration of thirty days from the date of such notice.

The Commissioners of the District of Columbia are hereby authorized and directed to provide for the payment of all expenses connected with the engraving, issue, and redemption of the above bonds, upon vouchers to be approved by the Treasurer of the United States. [March 3, 1891.]

CHAP. 564.—An act for the protection of the lives of miners in the Territories

March 3, 1891.

26 Stat. L., 1104.
Inspectors of coal mines in Territories to be appointed.

—bond.

—qualifications.

Be it enacted, &c., That in each organized and unorganized Territory of the United States wherein are located coal mines, the aggregate annual output of which shall be in excess of one thousand tons per annum, the President shall appoint a mine inspector, who shall hold office until his successor is appointed and qualified.

Such inspector shall, before entering upon the discharge of his duties, give bond to the United States in the sum of two thousand dollars, conditioned for the faithful discharge of his duties.

SEC. 2. That no person shall be eligible for appointment as mine inspector under section one of this act who, is not either a practical miner or mining engineer and who has not been a resident for at least six months in the Territory for which he shall be appointed; and no person who shall act as land agent, manager, or agent of any mine, or as mining engineer, or be interested in operating any mine

in such Territory shall be at the same time an inspector under the provisions of this act.

SEC. 3. That it shall be the duty of the mine inspector provided for in this act to make careful and thorough inspection of each coal mine operated in such Territory, and to report at least annually upon the condition of each coal mine in said Territory with reference to the appliances for the safety of the miners, the number of air or ventilating shafts, the number of shafts or slopes for ingress or egress, the character and condition of the machinery for ventilating such mines, and the quantity of air supplied to same.

Such report shall be made to the governor of the Territory in which such mines are located and a duplicate thereof forwarded to the Secretary of the Interior, and in the case of an unorganized Territory directly to the Secretary of the Interior.

SEC. 4. That in case the said mine inspector shall report that any coal mine is not properly constructed or not furnished with reasonable and proper machinery and appliances for the safety of the miners and other employees it shall be the duty of the governor of such organized Territory it shall be the duty of the Secretary of the Interior to give notice to the owners and managers of said coal mine that the said mine is unsafe and notifying them in what particular the same is unsafe, and requiring them to furnish or provide such additional machinery, slopes, entries, means of escape, ventilation, or other appliances necessary to the safety of the miners and other employees within a period to be in said notice named, and if the same be not furnished as required in such notice it shall be unlawful after the time fixed in such notice for the said owners or managers to operate said mine.

SEC. 5. That in all coal mines in the Territories of the United States the owners or managers shall provide at least two shafts, slopes, or other outlets, separated by natural strata of not less than one hundred and fifty feet in breadth, by which shafts, slopes, or outlets distinct means of ingress and egress shall always be available to the persons employed in said mine. And in case of the failure of any coal mine to be so provided it shall be the duty of the mine inspector to make report of such fact, and thereupon notice shall issue, as provided in section four of this act, and with the same force and effect.

SEC. 6. That the owners or managers of every coal mine at a depth of one hundred feet or more shall provide an adequate amount of ventilation of not less than fifty-five cubic feet of pure air per second, or thirty-three hundred cubic feet per minute, for every fifty men at work in said mine, and in like proportion for a greater number, which air shall by proper appliances or machinery be forced through such mine to the face of each and every working place, so as to dilute and render harmless and expel therefrom the noxious or poisonous gases; and all workings shall be kept clear of standing gas.

SEC. 7. That any mine owner or manager who shall continue to operate a mine after failure to comply with the requirements of this act and after the expiration of the period named in the notice provided for in section four of this act, shall be deemed guilty of a misdemeanor, and shall be fined not to exceed five hundred dollars.

SEC. 8. That in no case shall a furnace shaft be used or for the purposes of this act be deemed an escape shaft.

SEC. 9. That escape shafts shall be constructed in compliance with the requirements of this act within six months from the date of the passage hereof, unless the time shall be extended by the mine inspector, and in no case shall said time be extended to exceed one year from the passage of this act.

SEC. 10. That a metal speaking-tube from the top to the bottom of the shaft or slope shall be provided in all cases, so that conversation may be carried on through the same.

—duties.

—reports.

—to be made to governor, &c.

Notification of unsafe condition of mines.

Two shafts for each mine.

Ventilation to be provided.

Penalty for failure to comply.

Furnace shaft.

Construction of escape shafts.

Speaking tubes.

Safety catches.

SEC. 11. That an approved safety catch shall be provided and sufficient cover overhead on every carriage used in lowering or hoisting persons. And the mine inspectors shall examine and pass upon the adequacy and safety of all such hoisting apparatus.

Children under 12 not to work underground.

SEC. 12. That no child under twelve years of age shall be employed in the underground workings of any mine. And no father or other person shall misrepresent the age of anybody so employed.

Penalty for violation.

Any person guilty of violating the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not to exceed one hundred dollars.

Men in charge of hoisting apparatus.

SEC. 13. That only experienced and competent and sober men shall be placed in charge of hoisting apparatus or engines. And the maximum number of persons who may ascend or descend upon any cage or hoisting apparatus shall be determined by the mine inspector.

Inspection; how and when made.

SEC. 14. That it shall be lawful for any inspector to enter and inspect any coal mine in his district and the work and machinery belonging thereto at all reasonable times, but so as not to impede or obstruct the working of the mine; and to make inquiry into the state of the mine, works, and machinery, and the ventilation and mode of lighting the same, and into all matters and things connected with or relating to the safety of the persons employed in or about the same, and especially to make inquiry whether the provisions of this act are complied with;

—owners to furnish means for.

And the owner or agent is hereby required to furnish means necessary for such entry, inspection, examination and inquiry, of which the said inspector shall make an entry in the record in his office, noting the time and material circumstances of the inspection.

Fatal accidents to be reported.

SEC. 15. That in all cases of fatal accident a full report thereof shall be made by the mine owner or manager to the mine inspector, said report to be in the writing and made within ten days after such deaths shall have occurred.

Injunction to prevent working of mines.

SEC. 16. That as a cumulative remedy, in case of the failure of any owner or manager of any mine to comply with the requirements contained in the notice of the Governor of such Territory or the Secretary of the Interior, given in pursuance of this act, any court of competent jurisdiction, or the judge of such court in vacation, may, on the application of the mine inspector in the name of the United States and supported by the recommendation of the governor of said Territory, or of the Secretary of the Interior, issue an injunction restraining the further operation of such mine until such requirements are complied with, and in order to obtain such injunction no bond shall be required.

“Owner or manager” defined.

SEC. 17. That wherever the term “owner or manager” is used in this act the same shall include lessees or other persons controlling the operation of any mine.

And in case of the violation of the provisions of this act by any corporation the managing officers and superintendents, and other managing agents of such corporation, shall be personally liable and shall be punished as provided in act for owners and managers

Inspectors' salary &c.

SEC 18. That the mine inspectors provided for in this act shall each receive a salary of two thousand per annum, and their actual traveling expenses when engaged in their duties.

Territorial statute to supersede this law.

SEC. 19. That whenever any organized Territory shall make or has made provision by law for the safe operation of mines within such Territory, and the governor of such Territory shall certify said fact with a copy of the said law to the Secretary of the Interior, then and thereafter the provisions of this act shall no longer be enforced in such organized Territory, but in lieu thereof the statute of such Territory shall be operative in lieu of this act. [March 3, 1891.]

CHAP. 565.—An act to amend title sixty, chapter three, of the Revised Statutes of the United States, relating to copyrights.

March 3, 1891.

26 Stat. L., 1106.

Copyright.

Be it enacted, &c., That section forty-nine hundred and fifty-two of the Revised Statutes be, and the same is hereby, amended so as to read as follows:

“SEC. 4952. The author, inventor, designer or proprietor of any book, map, chart, dramatic or musical composition, engraving, cut, print, or photograph or negative thereof, or of a painting, drawing, chromo, statue, statuary, and of models or designs intended to be perfected as works of the fine arts, and the executors, administrators, or assigns of any such person shall, upon complying with the provisions of this chapter, have the sole liberty of printing, reprinting, publishing, completing, copying, executing, finishing, and vending the same; and, in the case of dramatic composition, of publicly performing or representing it or causing it to be performed or represented by others; and authors or their assigns shall have the exclusive right to dramatize and translate any of their works for which copyright shall have been obtained under the laws of the United States.”

Persons and publications entitled to copyright. Substitute for R. S., §4952.

SEC. 2. That section forty-nine hundred and fifty-four of the Revised Statutes be, and the same is hereby, amended so as to read as follows:

“SEC. 4954. The author, inventor, or designer, if he be still living, or his widow or children, if he be dead, shall have the same exclusive right continued for the further term of fourteen years, upon recording the title of the work or description of the articles so secured a second time, and complying with all other regulations in regard to original copyrights, within six months before the expiration of the first term; and such persons shall, within two months from the date of said renewal, cause a copy of the record thereof to be published in one or more newspapers printed in the United States for the space of four weeks.”

Further term of exclusive right. Substitute for R. S., §4954.

SEC. 3. That section forty-nine hundred and fifty-six of the Revised Statutes of the United States be, and the same is hereby, amended so that it shall read as follows:

“SEC. 4956. No person shall be entitled to a copyright unless he shall, on or before the day of publication in this or any foreign country, deliver at the office of the Librarian of Congress, or deposit in the mail within the United States, addressed to the Librarian of Congress, at Washington, District of Columbia, a printed copy of the title of the book, map, chart, dramatic or musical composition, engraving, cut, print, photograph, or chromo, or a description of the painting, drawing, statue, statuary, or a model or design for a work of the fine arts for which he desires a copyright.

Publication of record.

Deposit of title or description, before publication. Substitute for R. S., §4956.

Nor unless he shall also, not later than the day of the publication thereof in this or any foreign country, deliver at the office of the Librarian of Congress, at Washington, District of Columbia, or deposit in the mail within the United States, addressed to the Librarian of Congress, at Washington, District of Columbia, two copies of such copyright book, map, chart, dramatic or musical composition, engraving, chromo, cut, print, or photograph, or in case of a painting, drawing, statue, statuary, model, or design for a work of the fine arts, a photograph of same:

Two copies of work or photograph, on day of publication.

Provided, That in the case of a book, photograph, chromo, or lithograph, the two copies of the same required to be delivered or deposited as above shall be printed from type set within the limits of the United States, or from plates made therefrom, or from negatives, or drawings on stone made within the limits of the United States, or from transfers made therefrom.

Book, photograph, chromo, or lithograph to be from type set, or plate, negative or drawing made in U. S., etc.

During the existence of such copyright the importation into the United States of any book, chromo, lithograph, or photograph, so copyrighted, or any edition or editions thereof, or any plates of the

Importation of foreign editions prohibited.

same not made from type set, negatives, or drawings on stone made within the limits of the United States, shall be, and it is hereby, prohibited,

Except in the cases specified in paragraphs five hundred and twelve to five hundred and sixteen, inclusive, in section two of the act entitled "An act to reduce the revenue and equalize the duties on imports, and for other purposes," approved October first, eighteen hundred and ninety;

And except in the case of persons purchasing for use and not for sale, who import subject to the duty thereon, not more than two copies of such book at any one time; and except in the case of newspapers and magazines, not containing in whole or in part matter copyrighted under the provisions of this act, unauthorized by the author, which are hereby exempted from prohibition of importation:

Provided, nevertheless, That in the case of books in foreign languages, of which only translations in English are copyrighted the prohibition of importation shall apply only to the translation of the same, and the importation of the books in the original language shall be permitted."

SEC. 4. That section forty-nine hundred and fifty-eight of the Revised Statutes be, and the same is hereby, amended so that it will read as follows:

"SEC. 4958. The Librarian of Congress shall receive from the persons to whom the services designated are rendered the following fees:

"First. For recording the title or description of any copyright book or other article, fifty cents.

"Second. For every copy under seal of such record actually given to the person claiming the copyright, or his assigns, fifty cents.

"Third. For recording and certifying any instrument of writing for the assignment of a copyright, one dollar.

"Fourth. For every copy of an assignment, one dollar.

"All fees so received shall be paid into the Treasury of the United States:

Provided, That the charge for recording the title or description of any article entered for copyright, the production of a person not a citizen or resident of the United States, shall be one dollar, to be paid as above into the Treasury of the United States, to defray the expenses of lists of copyrighted articles as hereinafter provided for.

"And it is hereby made the duty of the Librarian of Congress to furnish to the Secretary of the Treasury copies of the entries of titles of all books and other articles wherein the copyright has been completed by the deposit of two copies of such book printed from type set within the limits of the United States, in accordance with the provisions of this act and by the deposit of two copies of such other article made or produced in the United States;

And the Secretary of the Treasury is hereby directed to prepare and print, at intervals of not more than a week, catalogues of such title-entries for distribution to the collectors of customs of the United States and to the postmasters of all post-offices receiving foreign mails, and such weekly lists, as they are issued, shall be furnished to all parties desiring them, at a sum not exceeding five dollars per annum;

And the Secretary and the Postmaster-General are hereby empowered and required to make and enforce such rules and regulations as shall prevent the importation into the United States, except upon the conditions above specified, of all articles prohibited by this act."

SEC. 5. That section forty-nine hundred and fifty-nine of the Revised Statutes be, and the same is hereby, amended so as to read as follows:

Exceptions.

1890, Oct. 1, ch. 1244, pars. 512-516, ante, p. 849.

— those purchasing for use.

— newspapers, etc.

— translations.

Fees of librarian.

Substitute for
R. S., § 4958.
1874, June 18,
ch. 301, § 2, ante,
p. 15.

— to be paid into Treasury.

Charge for recording production of foreigner.

List of copyrighted articles to be furnished Secretary of Treasury.

— catalogues for customs and postal officials and for sale.

Rules for prevention of importation of prohibited articles

“SEC. 4959. The proprietor of every copyright book or other article shall deliver at the office of the Librarian of Congress, or deposit in the mail, addressed to the Librarian of Congress, at Washington, District of Columbia, a copy of every subsequent edition wherein any substantial changes shall be made:

A copy of subsequent editions to be deposited in Congressional Library.

Substitute for
R. S., § 4959.

Additions by foreign authors.

Provided, however, That the alterations, revisions, and additions made to books by foreign authors, heretofore published, of which new editions shall appear subsequently to the taking effect of this act, shall be held and deemed capable of being copyrighted as above provided for in this act, unless they form a part of the series in course of publication at the time this act shall take effect.”

SEC. 6. That section forty-nine hundred and sixty-three of the Revised Statutes be, and the same is hereby, amended so as to read as follows:

Penalty for false notice of entry.

Substitute for
R. S., § 4963.

1874, June 18, ch. 301, § 1, *ante*, p. 15.

“SEC. 4963. Every person who shall insert or impress such notice, or words of the same purport, in or upon any book, map, chart, dramatic, or musical composition, print, cut engraving, or photograph, or other article, for which he has not obtained a copyright, shall be liable to a penalty of one hundred dollars, recoverable one-half for the person who shall sue for such penalty and one-half to the use of the United States.”

SEC. 7. That section forty-nine hundred and sixty-four of the Revised Statutes be, and the same is hereby, amended so as to read as follows:

Violations of copyright of books.

Substitute for
R. S., § 4964.

“SEC. 4964. Every person, who after the recording of the title of any book and the depositing of two copies of such book, as provided by this act, shall, contrary to the provisions of this act, within the term limited, and without the consent of the proprietor of the copyright first obtained in writing, signed in the presence of two or more witnesses, print, publish, dramatize, translate, or import, or knowing the same to be so printed, published, dramatized, translated, or imported, shall sell or expose to sale any copy of such book, shall forfeit every copy thereof to such proprietor, and shall also forfeit and pay such damages as may be recovered in a civil action by such proprietor in any court of competent jurisdiction”

SEC. 8. That section forty-nine hundred and sixty-five of the Revised Statutes be, and the same is hereby, so amended as to read as follows:

Violations of copyright of maps, prints, designs, &c.

Substitute for
R. S., § 4965.

“SEC. 4965. If any person, after the recording of the title of any map, chart, dramatic or musical composition, print, cut, engraving, or photograph, or chromo, or of the description of any painting, drawing, statue, statuary, or model or design intended to be perfected and executed as a work of the fine arts, as provided by this act, shall within the term limited, contrary to the provisions of this act, and without the consent of the proprietor of the copyright first obtained in writing, signed in presence of two or more witnesses, engrave, etch, work, copy, print, publish, dramatize, translate, or import, either in whole or in part, or by varying the main design with intent to evade the law, or, knowing the same to be so printed, published, dramatized, translated, or imported, shall sell or expose to sale any copy of such map or other article as aforesaid, he shall forfeit to the proprietor all the plates on which the same shall be copied and every sheet thereof, either copied or printed, and shall further forfeit one dollar for every sheet of the same found in his possession, either printing, printed, copied, published, imported, or exposed for sale, and in case of a painting, statue, or statuary, he shall forfeit ten dollars for every copy of the same in his possession, or by him sold or exposed for sale; one-half thereof to the proprietor and the other half to the use of the United States.”

Forfeiture of plates, sheets, and money.

—disposition of proceeds.

SEC. 9. That section forty-nine hundred and sixty-seven of the Revised Statutes be, and the same is hereby, amended so as to read as follows:

Damages for printing manuscript.

Substitute for
R. S., § 4967.
Discrimination
against aliens re-
pealed.

Repeal of
R. S., § 4971.
Volumes may
be copyrighted
separately.

Act takes effect
July 1, 1891.

Applicable to
citizens of foreign
countries permit-
ting similar rights.

—or parties to in-
ternational agree-
ment to which U.
S. may be party.

—when proclaim-
ed by President.

“SEC. 4967. Every person who shall print or publish any manu-
script whatever without the consent of the author or proprietor first
obtained, shall be liable to the author or proprietor for all damages
occasioned by such injury.”

SEC. 10. That section forty-nine hundred and seventy-one of the
Revised Statutes be, and the same is hereby, repealed.

SEC. 11. That for the purpose of this act each volume of a book in
two or more volumes, when such volumes are published separately
and the first one shall not have been issued before this act shall take
effect, and each number of a periodical shall be considered an inde-
pendent publication, subject to the form of copyrighting as above.

SEC. 12. That this act shall go into effect on the first day of July,
anno Domini eighteen hundred and ninety-one.

SEC. 13. That this act shall only apply to a citizen or subject of a
foreign state or nation when such foreign state or nation permits to
citizens of the United States of America the benefit of copyright on
substantially the same basis as its own citizens;

Or when such foreign state or nation is a party to an international
agreement which provides for reciprocity in the granting of copy-
right, by the terms of which agreement the United States of America
may, at its pleasure, become a party to such agreement.

The existence of either of the conditions aforesaid shall be deter-
mined by the President of the United States by proclamation made
from time to time as the purposes of this act may require. [*March*
3, 1891.]

NOTE.—(1) By proclamation of July 1, 1891, which will appear in 27 Stat. L., the President declared
that the first of the conditions specified in the above § 13 is fulfilled in respect to the citizens or sub-
jects of Belgium, France, Great Britain, and Switzerland.

March 3, 1891.

CHAP. 566.—An act to create a new division in the Northern judicial district of Georgia.

26 Stat. L., 1110.
Georgia, north-
ern judicial dis-
trict.

Western divi-
sion.

1882, April 25,
ch. 87, and note,
ante, p. 336.

Terms at Colum-
bus.

R. S., §§ 572,
658.

Process.

Deputy clerks
and court rooms.

Repeal.

Be it enacted, &c., That a new division of the northern judicial
district of the State of Georgia, to be known as the western division
of the northern judicial district of Georgia, be, and the same is
hereby established, to be composed of the following counties, to-wit:
Muscogee, Heard, Troup, Merriwether, Harris, Talbot, Taylor,
Marion, Chattahoochee, Stewart, Schley, Webster, Quitman, Clay,
Randolph, Early, Miller, and Terrell, and all of said counties which
may not now belong, for judicial purposes, to the northern district
of the State of Georgia, be, and the same are hereby, transferred to
the said northern district

SEC. 2. That two terms of the circuit and district courts of the
United States for said northern district shall be held annually in
said new division at the city of Columbus, in the county of Muscogee,
commencing on the second Monday in January and the second Mon-
day in June, and shall continue in session for two weeks.

SEC. 3. That all process, civil and criminal, issued against citizens
residing in said counties, shall be made returnable to the said courts,
respectively, at the said city of Columbus, and not otherwise.

SEC. 4. That the clerk of the district and the clerk of the circuit
court shall appoint a deputy clerk for the courts for said division,
and the marshal of said northern district shall provide suitable
rooms for the occupancy of said courts and the officers thereof.

SEC. 5. [*Relates to pending actions.*]

SEC. 6. That all laws in conflict with this act are hereby repealed.
[*March 3, 1891.*]

RESOLUTIONS.

NUMBER 7.—Joint resolution defining a quorum of the Board of Commissioners of the District of Columbia, and for other purposes.

Dec. 24, 1890.

26 Stat. L., 1113.

Resolved, &c., That any two of the Commissioners of the District of Columbia, sitting as a board, shall constitute a quorum for the transaction of business;

District of Columbia, two Commissioners to be a quorum.

And that the senior officer of the Corps of Engineers of the Army who shall for the time being be detailed to act as assistant (and in case of his absence from the District or disability, the junior officer so detailed) shall, in the event of the absence from the District or disability of the Commissioner who shall for the time being be detailed from the Corps of Engineers, perform all the duties imposed by law upon said Commissioner.

Engineer Commissioner, when absent, who to act. 1878, June 11, ch. 180, § 2, *ante*, p. 174.

Hereafter such Engineer Commissioner may, in the discretion of the President of the United States, be detailed from among the captains or officers of higher grade having served at least fifteen years in the Corps of Engineers of the Army of the United States. [*December 24, 1890.*]

—may be appointed from captains.

NUMBER 9.—Joint resolution to authorize the Secretary of War to issue ordnance and ordnance stores to the Washington High School.

Feb. 5, 1891.

26 Stat. L., 1113.

Resolved, &c., That the Secretary of War is authorized to issue, at his discretion and under proper regulations to be prescribed by him, out of ordnance and ordnance stores belonging to the Government, and which can be spared for that purpose, such as may appear to be required for military instruction and practice by the students of the High School of Washington, District of Columbia, 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. [*February 5, 1891.*]

District of Columbia High School, ordnance, &c., may be lent to.

1887, Feb. 12, ch. 129, *ante*, p. 537.

NUMBER 11.—Joint resolution to correct an error of punctuation in the tariff act of eighteen hundred and ninety.

Feb. 18, 1891.

26 Stat. L., 1114.

Resolved, &c., That the punctuation in paragraph three hundred and sixty-two of "An act to reduce the revenue and equalize duties on imports, and for other purposes," approved October first, eighteen hundred and ninety, be corrected so as to include in the parenthesis in said paragraph only the words "except binding twine," so that the said paragraph will read as follows:

Tariff on cables, cordage, and twine.

"362. Cables, cordage, and twine (except binding twine) composed in whole or in part of istle or Tampico fiber, manila, sisal grass, or sunn, one and one-half cents per pound; all binding twine manufactured in whole or in part from istle or Tampico fiber, manila, sisal grass, or sunn, seven-tenths of one cent per pound; cables and cordage made of hemp, two and one-half cents per pound; tarred cables and cordage, three cents per pound." [*February 18, 1891.*]

Substitute for 1890, Oct. 1, ch. 1244, par. 362, *ante*, p. 838, and 26 Stat. L., 593.

March 3, 1891.

NUMBER 17.—Joint resolution to provide for the organization of the circuit courts of appeals.

26 Stat. L., 1115.
Circuit courts of
appeals.

First meeting to
be on third Tues-
day in June, 1891.
1891, *Mor.* 3, ch.
517, *ante*, p. 901.

Resolved, &c., That the first meetings of the several circuit courts of appeals mentioned in the act of Congress passed at this present session, entitled "An act to establish circuit courts of appeals and to define and regulate in certain cases the jurisdiction of the courts of the United States, and for other purposes," shall be held on the third Tuesday in June, A. D. eighteen hundred and ninety-one; and if, from any casualty, the first meeting of any of said courts shall fail to be so held on that day, the first meeting of any such court so failing to be held, shall be held on such day subsequent thereto as the chief justice, or any justice of the Supreme Court of the United States assigned to such circuit, shall direct:

Pending cases
not affected.

And be it further resolved, That nothing in said act shall be held or construed in anywise to impair the jurisdiction of the Supreme Court or any circuit court of the United States in any case now pending before it, or in respect of any case wherein the writ of error or the appeal shall have been sued out or taken to any of said courts before the first day of July, anno Domini, eighteen hundred and ninety-one. [*March 3, 1891.*]

March 3, 1891.

NUMBER 21.—Joint resolution to increase the number of members of the Board of Managers of the National Home for Disabled Volunteer Soldiers, and fill vacancies in such board.

26 Stat. L., 1117.

National Home
for Disabled Vol-
unteer Soldiers.

Managers in-
creased to eleven.
1875, *Mar.* 3, ch.
129, par. 6, and
note(1), *ante*, p. 71.

Resolved, &c., That the Board of Managers for the National Home for Disabled Volunteer Soldiers shall hereafter consist of eleven members, [*Remainder of resolution names managers.*] [*March 3, 1891.*]

INDEX.

A.

	Page.
ABANDONED AND DERELICT, sunken vessels, etc., obstructing navigation, when may be treated as, and removed and sold.....	296, 369, 802
ABSENCE,	
leaves of, to Army officers.....	note 113
of employes in Printing Office.....	note 499, 600
of diplomatic and consular officers.....	14
of collector of internal revenue, deputy to act.....	223
of clerks, etc., in departments with and without pay.....	409, note 410
in Bureau of Engraving and Printing ..	567
in customs service.....	789
of letter carriers.....	446
of clerks, etc., in first and second class post-offices and mail-bag repairshop.	878
ABSENT DEFENDANTS,	
in suits to enforce liens, etc., how served with process.....	84
adjudication against, to affect only property.....	85
such suit brought in district in which property lies.....	85
not personally notified may appear within year after judgment, etc.....	85
ACADEMY,	
(See <i>Military Academy</i>).....	82, 115, 138, 180, 188, 290
(See <i>Naval Academy</i>).....	4, 14, 188, 216
ACCIDENTS,	
to U. S. vessels involving loss of life, etc., to be reported to collectors.....	30
ACCOUNTING OFFICERS (See <i>Auditors; Comptrollers; Commissioner of Customs; Claims</i>),	
to examine claims under certain exhausted appropriations; to report to Congress.....	180
not to allow accounts of clerks of courts, marshals, and district attorneys until proved and allowed in courts, etc....	65
allowance of mileage and expenses of attorneys, marshals, and clerks.....	66
not to allow certain claims where more is fraudulently demanded than is just.	159
to adjust accounts of Agricultural Department.....	252
to settle accounts of District of Columbia..	176
to notify sureties of deficiencies in account of principals.....	605
ACCOUNTS,	
of Post-Office Department, how to be kept by Sixth Auditor.....	70
of clerks, marshals, district attorneys, and commissioners, how proved, before taxation and allowance.....	65
to be forwarded, with vouchers in duplicate, to officers of Treasury.....	65

ACCOUNTS—Continued.

	Page.
Attorney-General may obtain mandamus to compel clerks, marshals, etc., to make returns, etc.....	66
of District of Columbia to be settled and adjusted by accounting officers.....	176
not to be reopened, when.....	180
settlement of those of Pacific railways..	160, 254
of Agricultural Department to be reported to accounting officers.....	302
of United States attorney for District of Columbia, how settled.....	149
for purchase of articles at Indian training schools, where to be kept.....	282
ACKNOWLEDGMENTS,	
of deeds for District of Columbia in foreign countries, when valid.....	244
may be taken before notaries public for use in United States courts, etc.....	123
ACTING,	
postmaster, in case of vacancy, to be paid. in War Department, when Secretary is absent chief clerk may sign papers....	4
secretary of Smithsonian Institution; how appointed.....	428
collector of internal revenue.....	223
ACTIONS,	
in District of Columbia may be brought by foreign executors, etc.....	548
of forcible entry and detainer in, how summons served.....	597
under revenue laws, books not to be seized on suspicion of smuggling.....	32
books, etc., how obtained, examined, etc. against officers receiving part of informer's fees in violation of law.....	32
for penalties and forfeitures under customs laws to be commenced within three years, except, etc.....	35
against officers of Congress for official acts to be defended by district attorneys. jurisdiction of circuit courts.....	note 611
in circuit and district courts to be brought only in district where defendants are found, except, etc.....	612
not to be maintained by assignees of original parties who could not sue thereon, except, etc.....	612
removable from State courts to circuit courts of United States.....	612
proceedings thereon.....	613
previous attachments, bonds, etc., remain valid.....	83
improperly brought in or removed to circuit court may be dismissed or remanded.....	83
absent defendants in actions to enforce liens, remove incumbrances, etc., how served with process.....	84

	Page.		Page.
ACTIONS —Continued.		ADVERTISEMENTS —Continued.	
death of party after final judgment in circuit court before time for appeal or writ of error expired.....	85	in District of Columbia—Continued.	
for infringement of copyright not to be maintained unless, etc.....	15	for fuel for Congress.....	567
against Union Pacific Railroad Company for failure to operate road as a continuous line.....	19	for public buildings, for heating apparatus.....	562
by land grant railroads in Court of Claims for injuries by corporations causing death in District of Columbia.....	82	in naval service,	
for trespass, obstructions, etc., on public lands.....	475, 476	for naval supplies.....	762
	477, 478	none for materials for boilers.....	205
		for tobacco.....	326
ACTS OF CONGRESS (See <i>Laws</i>),		in public lands service,	
to be received and preserved by the Secretary of State.....	57	proclamation of sale of lands.....	127
provisions for publication and distribution	21, 77	of notice of contests under homestead, preemption, and timber-culture laws.....	169
Revised Statutes, first edition.....	20	in postal service,	
to be evidence.....	22	of mail lettings in newspapers in District of Columbia, on what routes.....	43
second edition.....	133, 204, 261	upon failure of contractor.....	117
to be evidence.....	134, 153	Postmaster-General may in certain cases make temporary contracts for carry-mail without.....	117, 266
supplement to same.....	note 311	of general mail lettings.....	164, 319
to be evidence.....	312, 713	when not required for carrying mail on water routes.....	165
ADJUTANT-GENERAL (Army),		for special service.....	319
officers in Department of.....	88	for foreign mail service.....	905
ADMINISTRATORS,		for public moneys,	
foreign, and executors may sue in District of Columbia.....	548	for contracts for transportation.....	469
ADMIRALTY,		AFFIDAVITS (See <i>Oaths</i>),	
circuit courts to find facts and conclusions of law separately.....	62	may be taken before notaries public for use in United States courts, etc.....	123
jury may try issues of fact by consent.....	63	form of, by publishers sending papers by mail.....	43
review by Supreme Court on such findings.....	63	of persons making entry of homestead lands, before whom may be taken.....	148, 743
ADULTERATED,		AGENTS (See <i>Attorneys</i>),	
foods and drugs in District of Columbia, act to prevent manufacture and sale of.....	627-629	in Treasury Department,	
foods and liquors, importation prohibited.....	795	of seal fisheries in Alaska, how paid....	73
ADVANCEMENT (Navy),		two assistant, discontinued.....	115
may be made of officers in Navy for eminent conduct in battle.....	188	special, of internal revenue, duties.....	223
not without advice of Senate.....	188	number.....	223, 468
ADVERTISEMENTS,		salary.....	223, 485
in general,		one may serve at Washington.....	373
to be paid for at commercial rates.....	202	laws applicable to.....	224
in Indian service,		special, in customs service, number, rank, and pay.....	927
for purchase of Indian supplies to be filed and reported to Congress.....	121	for paying pensions (See <i>Pensions</i>),	
for contracts of more than \$2,000.....	134	compensation of.....	notes 451, 482
in military service,		laws reviewed.....	note 482
for transportation of stores.....	456	rooms for.....	670
for purchase of horses for cavalry, etc....	456	acting agent, when may be designated in case of vacancy.....	153
for purchase of all means of transportation.....	475	acting agent, in absence or sickness.....	762
all supplies for Army to be purchased after advertisement.....	619	mailing checks to be payment in case of death.....	761
for purchase of steel.....	896	to deduct and pay fees to attorneys in certain cases.....	451
for public printing, etc.,		may pay Indians in silver.....	387
certain supplies for printing office may be purchased without.....	389	when may pay in cash.....	387
for materials for Public Printer may be dispensed with in certain cases.....	151	payments to be made quarterly in groups.....	933
for proposals for materials, how to be made.....	114	official mail matter to be free.....	467, 468, 500
for lithographing or engraving maps or plates.....	397	offices of, by whom may be examined... ..	387
for paper.....	97	may designate clerk to sign checks.....	762
in District of Columbia,		special, of Post-Office Department (See <i>Post-Office Inspector</i>).	
not to be published for postal routes except in Virginia and Maryland.....	43	Indian,	
proclamations and treaties to be published in one newspaper in.....	114	repeal of laws fixing salaries.....	note 450
for contracts for the public service not to be published in District of Columbia unless, etc.....	114	not to grant permits to Indians to go into Texas.....	282
in what papers and rates.....	314	to make rolls of Indians entitled to supplies.....	79
		to submit census in annual reports.....	451
		employés at agencies, amount allowed for, etc.....	79
		oath to accounts of.....	79
		sureties on bonds of, to file statement of property.....	81
		to keep books of expenditures, etc.....	81
		punishment for neglect or false entries.....	81

	Page.
AGRICULTURAL COLLEGES,	
land scrip, new certificates may issue, if lost	19
to be provided with weights and measures	329
proceeds of land scrip, how invested	402
to constitute fund for endowment of, from sale of public lands	797-799
experimental stations at, duties and how aided	550, 552, 589
to examine soils	679
Secretary of Agriculture may employ assistants and incur expenses in connection with	930
appropriations to be paid quarterly	930
in Colorado	425
grant of lands to North and South Dakota, Washington, and Montana	648
grant to Idaho	766
grant to Wyoming	769
AGRICULTURE, DEPARTMENT OF,	
to be under control of Secretary	641
Assistant Secretary	641
their salaries	641
consular reports to be sent to	592
distribution of seeds to members of Congress	note 773, 774
seeds may be sent by members of Congress free by mail	70
appropriations for, not to be used for additional compensation	481
work of entomological commission to be under	299
bureau of animal industry in	335-337, 774
weather bureau in	879-891
AGRICULTURE, SECRETARY OF,	
to cause inspection of salt pork and bacon for export	794, 795
to quarantine imported cattle and other animals	796
to designate quarantine ports	796
to inspect imported animals	797
to make regulations as to bedding, food, etc., of such animals	797
to disinfect vessels	797
to inspect animals for export	797
duties of, in relation to export of cattle	937-939
to make rules for humane treatment of exported cattle	908
duties of, in relation to pleuro-pneumonia and other contagious diseases	436
duties of, in relation to experimental stations at colleges	550-552
all duties of Commissioner devolved upon Secretary	774
to report to accounting officers	302
to report expenditures to Congress	481
may incur certain expenses in connection with agricultural colleges	930
to take part in decisions on oleomargarine	508
reports to, by agricultural colleges	798
ALABAMA,	
district judge of southern district authorized	510
jurisdiction of district judge for Alabama confined to northern and middle districts	510
terms of courts in	38, 39, 427, 760
certain counties added to northern judicial district	427
Montgomery, to be a port of delivery, with a deputy collector	39
public lands in, to be sold	109
lands to be disposed of only as agricultural lands	404

	Page.
ALASKA,	
agents of seal fisheries in, how paid	73
two assistant discontinued	115
months for taking seal from islands of Saint Paul and Saint George, and number	6
protection of fisheries in	701
killing of fur-bearing animals in Behring Sea prohibited	701
act providing for a civil government	430-435
laws of Oregon adopted	433
land districts in	433
general land laws of United States not to apply to	433
town sites in, how entered, etc	note 944
survey of	944
not to include mining rights	945
purchase of land for trade and manufacture	944
prior rights of surface owners protected	945
what lands are reserved	945
ports of delivery in	937
ALCOHOL (See Tariff of 1890),	
in bond may be withdrawn without tax by certain institutions	159
alcoholic liquors and beer not to be sold in canteens by post-traders in States where prohibited	757
effect of drink of, to be taught in schools of Territories, District of Columbia, etc	492
for manufacture of perfumery, etc., in warehouse for export may be withdrawn without payment of tax	288
ALIENS (See Immigration),	
not to hold real estate in Territories and District of Columbia	556
except legations in Washington, D. C. ...	582
immigration of convicts and others forbidden	86, note 934
vessels believed to contain obnoxious persons to be inspected, etc	87
of forbidden classes not to land, except, etc	88
may be sent back	88, 633
under contract of labor not to be admitted	479, 480, note 541, 542, 934-937
who have declared intention to become citizens, etc., may be licensed as engineers or pilots on steam vessels	8
who are vice-consuls acting as consuls may receive pay	14
may make declaration of intention, etc., for naturalization before clerks of certain courts	97
passenger act	370
passengers between United States and Canada and Mexico exempt from	444
compromise of suit for violation of act, when allowed	934
ALLOTMENT,	
of land in severalty to Indians on reservations	78, 450, 534, 635, note 897, 898
special legislation reviewed	note 534
agreements for, not changed by other legislation	943
AMERICAN EPHEMERIS OR NAUTICAL ALMANAC,	
how printed and distributed	303
ANIMAL INDUSTRY (See Agriculture, Department of),	
bureau of	435-437
coöperation with States and Territories	436
Secretary of Agriculture to have certain powers in relation to	note 774

	Page.		Page.
ANIMALS,		APPROPRIATIONS—Continued.	
importation of diseased, etc., prohibited...	796	items of expenditure of, to be laid before	
may be suspended by proclamation.....	796, 797	Congress annually	80
all imported animals to be inspected....	797	how estimates are to be presented.....	121
in District of Columbia, ordinance in relation to impounding, etc	306	contracts in advance of, when authorized permanent, for payment of interest on Indian trust funds.....	279
taxation, etc., of dogs.....	197	money for charitable purposes, to whose credit placed; to be paid only on checks, etc.....	42
unmuzzled dogs, going at large, to be killed, etc	306	repeal of permanent, for salaries of Southern Claims Commission	201
ANNUITIES (See Indians),		for expenses of national loan	18
APPEALS,		unexpended, after two years, to be covered into Treasury, etc.....	18, 51, 375
in admiralty, review limited.....	63	in District of Columbia	678
in <i>habeas corpus</i> cases.....	425	for public building sites, how expended...	74
in interstate commerce cases.....	689	for national homes for volunteers, how drawn, etc.....	72
on questions of jurisdiction	650, 903	for collection of public money not to be used for clerical service.....	380
to board of general appraisers of imported merchandise.....	750, 751	ARBITRATION (See Board of Arbitration),	
from board to circuit court.....	751	ARCHITECT OF CAPITOL,	
to Supreme Court.....	752	duties of, as to works of art.....	73
death of party after final judgment in circuit courts and before time for appeal expires, proceedings thereon	85	to have charge of engineers and ventilating and heating apparatus of House.....	136, 320
from circuit and district courts to circuit court of appeals.....	903	and of Senate.....	597
circuit courts to have no appellate jurisdiction	903	to have care of Capitol.....	119
from United States court in Indian Territory	672, 738	disbursing clerk of.....	251
from supreme court of District of Columbia	418, 485	ARIZONA (See Territories),	
of Territories.....	7, 485, 903	officers of courts in, to have double fees...	383
of Oklahoma.....	724	maximum for district attorney and marshal to be \$6,000.....	764
from Court of Claims and circuit and district courts in claims against United States	561	supreme court to have a chief and five associate justices	893
from police court of District of Columbia.....	912	to be divided into four districts	893
from Court of Claims in Indian depredation cases	916	terms of court and assignment of judges	893
from court of private land claims.....	920	customs collection districts	720
from circuit courts of appeals.....	904	veto power of governor.....	112
and writs of error in Supreme Court in different cases	note 901	bills by legislature to be approved by governor or passed by two-thirds vote.....	112
APPOINTMENTS,		timber may be cut from mineral lands in, for domestic purposes.....	166
to be apportioned among States, etc....	76, 375, 392	desert lands in, may be reclaimed and purchased by citizens	137
APPORTIONMENT,		lands granted to, for university purposes..	316
of Representatives	888, 889	ARKANSAS,	
elections to be by districts	889	judicial districts and courts in	129, 497, 538, 546, 707
representatives from new States to be in addition	889	circuit courts established and circuit court powers of district court abolished	638-640
APPRAISER (Customs) (See Customs officers),		judicial practice of, in civil cases to apply to courts in Indian Territory.....	672
at New York; salary	925	odd sections of lands granted in aid of railways in, open to settlers.....	271
at Saint Paul; salary	118	settlers heretofore restricted to 80 acres may have 80 in addition without fees, etc.....	272
Board of General Appraisers.....	750	residence, etc., how reckoned.....	272
(See Customs.)		public lands in, to be disposed of at public sale	109
APPRENTICES,		may make laws for protection and lease of school lands	439
in Navy, to be preferred in appointment of warrant officers.....	263	ARMORIES,	
APPROPRIATIONS,		money not to be expended at, to perfect patentable inventions by Army officers	82
certain claims upon, for stores furnished Army by loyal citizens, how disposed of	14	at Springfield, clerks and their salaries...	55
accounting officers to examine claims under certain exhausted	180	pay of master armorer	378
for Agricultural Department, not to be used to pay extra compensation	481	ARMS,	
estimates for, to be made by October 1, and certain abstracts to be included in Book of Estimates	72, 317	to be issued to Territories and border States	124, 148, 164, 200, 201, 205
statement of, to be prepared under direction of Committee on	633	cost of, how credited.....	679
subsistence stores for sale to Army officers may be purchased from subsistence appropriations and proceeds of sale not covered into Treasury	77, 78	may be furnished to departments for protection of public property	253
for Indian supplies, to be so distributed as to prevent deficiencies.....	80	all rifled cannon to be tested	468, 502
not to be exceeded in any year	80		

ARMS—Continued.	
smooth-bore cannon may be sold for experimental purposes.....	468
Board of Ordnance and Fortification created.....	619
ARMY (See Army, Enlisted men of; Army, Officers of),	
in general,	
useless ordnance stores may be disposed of.....	74
medical supplies furnished civilian employes.....	400
vegetables to be added to rations.....	758
regimental price of altering clothing.....	679
record of regimental, garrison, and field officers' courts-martial, where to be filed and when may be destroyed....	135
organization and government (See Army, Officers of; Signal Service),	
President may make regulations for government of.....	68, 268
headquarters, where, may be established to consist of not more than 25,000 men..	149, 267
cavalry regiments, of how many men... in defense of Texas frontier.....	149
one thousand Indian scouts and commanding officers may be employed.....	118
to receive pay for use of horses.....	118
employment of civilians in transportation limited.....	482
sixth-class clerk in Quartermaster's Department abolished.....	482
number of draft animals in, limited....	456, 619
horses for cavalry, etc., number limited..	679
not to be used as a <i>posse comitatus</i> , except, etc.....	190
punishment for violation.....	190
Signal Service (See <i>Signal Service</i>).	
military telegraph lines to be under Chief Signal Officer.....	74
post traders to be appointed, one at each post.....	113
alcohol, beer, etc., not to be sold in canteens or by post traders, in States where prohibited.....	757
expenditures for post bakeries, schools, kitchens, gardens, etc.....	757
Board of Ordnance and Fortifications created.....	619
duties defined.....	619
expenditures.....	619
materials purchased to be of American manufacture.....	620
per diem to members.....	620
one member to be a civilian.....	896
to report annually to Congress.....	896
military prison to be at Fort Leavenworth, Kans., instead of at Rock Island, Ill.	9
supplies for Army to be made at.....	251
to be annually visited.....	888
traders and laundrymen to furnish recruits certain articles at cost, etc.....	349
women not to accompany troops as laundresses.....	189
general service clerks and messengers..	502, 503
Board of Visitors to Military Academy, expenses.....	180
claims to be examined by Quartermaster and Commissary General.....	14
contracts and expenditures,	
expenditures on buildings, detailed estimates to be approved if over \$500... note	499
expenditures for buildings to be by contract.....	499
sale of supplies to officers and enlisted men.....	77, 456, 793

Page.

ARMY—Continued.	
contracts and expenditures—Continued.	
report of.....	456
all supplies to be purchased after advertisement, where cheapest.....	456, 619
transportation to be by contract.....	456
purchase of horses, carts, etc., by.....	456, 457
to transport property for civil and naval service.....	457
purchase of draft animals, number limited.....	619
purchase of horses for cavalry, etc., number limited.....	679
to be by contract, after competition..	679
money not to be expended at armories to perfect inventions by officers.....	82
appropriations for support of Army not to be used for Signal Service.....	481
purchases of steel to be of American manufacture.....	620
contracts for public improvements by Secretary of War, preference to American materials.....	82
all rifled cannon to be tested.....	468
smooth-bore cannon may be sold for experimental purposes.....	468
expenditures for post bakeries, schools, etc.....	757
ARMY, ENLISTED MEN OF.	
general-service clerks and messengers....	502, 503
Army service men.....	759
hospital corps; of what to consist.....	549
attached to medical department.....	549
post quartermaster sergeants; number, duty, and pay.....	456
non-commissioned officers, how promoted..	189
detail of company cooks in, abolished.....	210
when to have certificates of merit.....	889
to have extra pay.....	889
rate of extra-duty pay to enlisted men...	482
deposits of \$5 by soldiers to bear interest..	400
act to prevent desertion (See <i>Desertion</i>)..	757
charges of desertion, late war and Mexican war, how removed, etc.....	692-694
legislation reviewed..... note	692
certificate of discharge, late war, when enlistment was in assumed name....	714
may wear certain badges.....	884
families of, to have free medical attention..	457
retired list.....	810
general-service men.....	502, 503
expenditures for post bakeries, schools, kitchens.....	757
part pay to be retained.....	757
to bear interest.....	757
enlistments to be for 5 years.....	757
furlough after 3 years.....	757
discharge after 3 years.....	757
purchase of discharge.....	757
Army ration, vegetables added.....	758
signal corps force (See <i>Signal Service</i>).....	880
transfer of Weather Bureau.....	879
deposits of savings.....	793
may purchase subsistence stores.....	793
whole monthly payments to be in one check	793
not to have extra duty pay, unless.....	202
returns of stores, etc.....	630
regulations to be made for.....	630
Soldier's Home.....	410
(See <i>Home for Disabled Volunteers; Soldiers' Home.</i>)	
ARMY, OFFICERS OF (See Army: Army, enlisted men of)	
in general,	
service under assumed name, late war, corrected discharges to be issued....	714

Page.

	Page.
ARMY, OFFICERS OF—Continued.	
in general—Continued.	
Register; how to specify lineal rank of officers, and military service	188
badges of certain military societies may be worn by officers	884
not to hold office in Territories, except those on retired list	412
officers of, prohibited from granting permits to Indians to go into Texas, under penalty of dismissal	282
Secretary of War to make frequent inquiry into accounts of disbursing officers	9
to report to Congress	9
all officers receiving money appropriated, to account for disbursement by distinct items	457
appointment and promotion,	
certain officers of Confederate States not to be appointed in	428
appointment of civilians as second lieutenants restricted	189
promotion of non-commissioned officers. graduates of Military Academy to be appointed second lieutenants	491
promotion in Army by seniority subject to examination	811, 812
appointments to be made to arm of service and not to regiments	811
repeal of law suspending promotion in staff corps	134
assignment and detail,	
assignment and transfer of officers	811
appointments to be made to arm of service and not to regiments	811
detail of officers to colleges	620, 887
quartermaster and commissary to be detailed for Military Academy, and to furnish supplies at cost	115
officers to be detailed for duty relating to Indian education	268
Board of Ordnance and Fortification, created	619
assignment to duty on brevet rank when engaged in actual hostilities	400
to be strictly honorary	400
brevet rank for gallantry in Indian campaigns	705
engineer to be detailed as Commissioner, District of Columbia	23, 174
pay	322
rank	955
detail for Mississippi River Commission	268, 269
for Missouri River Commission	465, 466
any officer may be assigned as professor of law in Military Academy	290
no officer may be detailed within 4 years of graduation	349
not over four, may be detailed to Weather Bureau	879
pay and allowances,	
longevity pay, all service to be included	189, 348
how computed	348
mileage	81, 113, 400, 756, 896
laws reviewed	note 756
allowance of fuel to officers prohibited, but fuel may be sold to them at cost	189
forage in kind may be furnished for horses owned or kept by officers, etc.	189
no discrimination to be made against officers east of Mississippi River	318
quarters in kind may be furnished	190
be commuted	190, 267, 348
no allowance for servants' quarters	267

	Page.
ARMY, OFFICERS OF—Continued.	
pay and allowances—Continued.	
allowances to officers obtaining information from abroad	679
leaves of absence without deduction of pay	note 113
officers mustered out under act of 1870 as supernumeraries and reappointed to refund one year's pay	95
certain officers of volunteers to receive pay from date of rank	437, note 528 614
prior legislation	note 528
retired list,	
officers of 40 years' service or 64 years old may be placed on	348
not to affect retired list, as then authorized	400
pay of general, retired	note 349
all service to be credited for retirement	189
officers on limited list to be transferred to unlimited, when 64	894
limited list fixed at 350	894
officers retired before March 3, 1878, for disability from wounds in action	96, 925
to be continued, although accepting office in diplomatic or consular service	96, 925
retired officers may hold offices in Territories	412
staff departments,	
Adjutant-General's Department; of what officers to consist, etc.	548
Commissary Department; how vacancies filled	400
assistant commissaries-general, to be three; commissaries, twelve	45
Commissary-General to examine certain claims	14
Engineers; laws for promotion of, above rank of colonel, restored	271
engineer officer detailed as Commissioner of District of Columbia	23, 174
his pay	note 174, 322
his rank	955
engineers may be detailed for service on and with Mississippi River Commission	268, 269
on Missouri River Commission	465, 466
Inspector-General's Department; of what officers to consist	473
appointments, how made	473
expert accountant, appointment, salary, and mileage	note 896
military prison to be visited by an inspector-general	888
Inspector-General to inspect Soldiers' Home	410
officers to inspect accounts of disbursing officers	9
Judge-Advocate General's Department; number, rank, and pay of officers	457
Bureau of Military Justice and corps of judge advocates consolidated to form Medical Department; number, rank, and pay of officers	45
vacancies in office of assistant surgeon; how filled	45
vacancies in, not to be filled until, etc.	46
officers, how to take rank and precedence	457
to attend families of officers free	457
hospital corps attached to	549
number of assistant surgeons	106
medical storekeeper abolished	106
Ordnance Department; number, rank, and pay of officers	45
an ordnance storekeeper authorized	338

	Page.
ARMY, OFFICERS OF—Continued.	
staff departments—Continued.	
examinations for appointment and promotions in	45
grades not authorized abolished.....	46
vacancies not to be filled until, etc....	46
two officers may be detailed to Geological Survey	298
Pay Department; number, rank, and pay of officers.....	455
Paymaster-General to rank as brigadier-general	113
Quartermaster's Department; number, rank, and pay of officers to consist..	69
military storekeeper abolished.....	69
promotions and appointment in.....	69
vacancies may be filled from civil life.....	400
Quartermaster-General to examine certain claims	14
to have control of certain telegraph lines	74
to report receipts and expenditures.....	74
Signal Corps (See <i>Signal Service</i>).	
Chief Signal Officer to be brigadier-general	298
duties confined to military matters... may be detailed to charge of Weather Bureau	879
to make regulations.....	879
Signal Corps to remain part of military establishment	630
duties in regard to weather transferred appropriations to be disbursed by bonded officer detailed	792, 793, 896
officers, number and rank	880
how appointed	880
detail of officers for	793
officers may purchase subsistence stores to make return of stores, etc.....	793, 896
ARREST,	
persons not to be arrested in one district for trial in another.....	note 611
ARTICLES OF WAR.	
general courts-martial, by whom to be appointed, substitute for <i>art. 72</i>	463
limitation of term for prosecution for desertion, <i>art. 103</i>	713
certificate of discharge when enlistment was under assumed name, <i>art. 4</i>	714
punishment for offenses under, limited.....	808
summary courts-martial for trial of enlisted men, <i>arts. 80-83</i>	878
ARTIFICIAL LIMBS,	
soldiers and sailors maimed to have, once in five years	122
to have transportation furnished to obtain same	122
not subject to provisions of former act. commutation for, to be paid to applicants without fee to agents	122
to be furnished every three years	927, 947
ASSAY OFFICE,	
established at Helena, Mont.	9
established at Saint Louis, Mo	315
refining bullion to be carried on at New York office	200
assayers may be authorized to receive deposits of gold and issue certificates.....	173
may pay coin certificates for bullion.....	200
repeal, except as to New York	250
gold bars may be transferred from bullion fund for redemption of coin certificates in New York	40
ASSESSMENT AND COLLECTION (See <i>Internal revenue</i>),	
annual returns of persons liable to tax ..	225
when may be made by deputy collector ..	226

	Page.
ASSESSMENT AND COLLECTION— Continued.	
annual returns, if persons absent, deputy collector to leave notice	226
proceedings in case of neglect to make returns, or making false returns....	226
collector may examine persons and papers taxes to be lien on all property of persons assessed	226
procedure for seizure and sale of real estate for taxes	226
purchasers for United States	227
deeds, certificates, records, etc	227
taxes on distilled spirits accidentally destroyed not to be remitted when fully insured.....	228
ASSIGNEES,	
of contracts not to maintain suits unless original parties could have maintained suits thereon, etc	612
ASSIGNMENTS,	
and subletting of mail contracts when void or may be annulled, etc	165, 398
of bounties by colored soldiers void	253
of pensions, void	398
of Indian depredation claims void	916
of French spoliation claims to be reported to Congress.....	472
ASSISTANT COMMISSARIES-GENERAL (Army),	
to be three only; rank and pay.....	45
ASSISTANT MEDICAL PURVEYORS (Army),	
number, rank, pay, duties, bonds, etc	45
may be assigned to act as surgeons	45
ASSISTANT SECRETARIES,	
Third Assistant Secretary of State	17
one of, may sign patents under direction of Secretary of Interior	note 579
of Agriculture	641
of War	707
additional of Treasury	772
of Navy	772, 827
ASSISTANT SUPERINTENDENTS,	
of railway mail service, their number and compensation.....	186
assistant general superintendent authorized	715
ASSISTANT SURGEON-GENERAL (Army),	
rank and pay of.....	45
ASSISTANT SURGEONS (Army),	
number; rank, and pay of	45
vacancies in office of, how filled	45
ASSISTANT TREASURER, at Charleston, S. C., abolished	120
ASSOCIATION FOR WORKS OF MERCY,	
in District of Columbia, provisions concerning.....	630, 631
ATTORNEY-GENERAL (See <i>Justice, Department of</i>),	
additional Attorney-General	773
for Indian depredation cases	916
to institute suits against Pacific railroads for percentage on net earnings	40
in cases affecting customs duties in inferior courts, to take appeal on request of Secretary of Treasury.....	83
to supervise and direct defense of actions against officers of either House of Congress for official acts	76
may designate penitentiaries for convicts in United States courts	111
may direct confinement of convicts in jail when, etc.....	111
may change place of imprisonment.....	112

ATTORNEY-GENERAL—Continued.	Page.
to determine amount of penalty of bonds of clerks of courts	65
may require increased bonds of clerks of court	65
may obtain mandamus from circuit courts to compel clerks, marshals, and district attorneys to make returns, etc.	66
order of President removing clerk, when to be authenticated by	66
not prevented from employing district attorneys in certain cases	18
may have insane convicts transferred to hospital, and may contract with State asylums for care of insane convicts.	47
agents of, may examine records and dockets of attorneys, clerks, and marshals. <i>note</i> ..	928
duties of, in relation to refund of tonnage dues exacted contrary to treaties	196
to be notified of taking testimony in private claims cases before Congress ..	213
account of district attorney for District of Columbia to be returned to	149
to report contingent expenses annually to Congress in detail	18, 270
to include in his report statement of payments, etc., from funds subject to his requisition	270
to defend United States in Court of Claims ..	403, 472, 560
to defend United States and Indians in depredation claims	914
to report judgments against United States to Congress	561, 916
duties of in claims in United States courts.	560, 561
ATTORNEYS (See <i>District Attorneys</i>),	
commissions of judicial officers to be countersigned by	605
to be recorded in Department of Justice in pension cases, fees, etc. 209, 451-453, 487, 761, 933	605
Commissioner of Pensions may reject contracts of, with pensioners	453
rules, etc., for practice in Interior department	453
in Treasury department	470
may be disbarred from practice in Interior Department, when	453
in Treasury Department	470
prosecuting officers may be elected in each county in Utah	48
act of Territory relating to, disapproved. .	51
AUDITORS (See <i>Accounting Officers</i>),	
salaries of	75
deputies to perform duties of chief clerks	76
Second , to be furnished with contracts for Indian supplies	80
Third , duties of, in relation to claims for stores furnished Army by loyal citizens	14, 159
to settle accounts of Signal Service	793
Fourth , duties of, in relation to accounts of appropriations for naval service ..	194
Sixth , to notify Postmaster-General of deficiencies in postmasters' accounts ..	214
to notify sureties of postmasters when deficiencies in accounts are discovered ..	214
how to keep post-office accounts	70
in sublettings of mail contracts, copy of contract to be filed with, etc	165
annual reports, what to show and how submitted	110
to be notified of changes of postmasters ..	110
useless paper in office of, may be sold ..	373

AUDITORS—Continued.	Page.
of Railroad Accounts (See <i>Pacific Railroads</i>),	
office created, duties, etc	194
name changed to Commissioner of Railroads	320
B.	
BADGES,	
of certain military societies may be worn by officers and men of Army and Navy ..	884
BAIL,	
may be taken by courts in District of Columbia	38
by police court	911
BAND,	
of Military Academy, of what to consist, pay of, etc	138
BANKRUPTCY,	
law repealed	170
BANKS (See <i>National Banks; Savings Banks</i>),	
taxes on capital and deposits of, repealed.	404
BEER (See <i>Brewers; Malt Liguors</i>),	
tax on, not to be assessed on quantity of materials used, etc	104
special-tax stamps for dealers on railroad trains	124
not to be sold in canteens to enlisted men in States where prohibited	757
BIDS (See <i>Advertisements</i>),	
for cartage of merchandise in custody of Government	36
for contracts for Indian service to be accompanied with check, etc	80
for carrying mail to be accompanied with bond and oath	44
proceedings when bidder fails, etc	44
to be accompanied with bond	44
postmaster's duties as to bond of bidder ..	45
sureties on bidders' bonds, oath, etc	116
proceedings on failure of bidders to make contracts, etc	117, 118
BIENNIAL REGISTER,	
when to be made up, printed, and how distributed	150, 298, 575
no extra pay to clerk for compiling	376
BIGAMY (See <i>Polygamy; Utah</i>),	
in Territories, how prevented	331-333
defined	331
prosecutions for cohabitation with more than one	331
challenges to jury in cases of	331
amnesty for	332
husband and wife may testify	568
witnesses may be attached	568
further provisions in relation to	568-579
BINDING,	
what may be done at Government Printing Office and how executed	201
restrictions as to, not to apply to library of Surgeon-General's Office	209
or to library of Patent Office	221
or State Department	221
account to be kept of binding for Patent Office	382
may be done for members of Congress 149, 382, 421	421
pay of binders	129
BLACK BASS,	
not to be taken from Potomac River in D. C. except with hook and line	280
BLIND,	
act to promote education of	254

BLIND —Continued.	
permanent funds created to aid, provision concerning investment, use, etc., of certain persons to be <i>ex-officio</i> trustees of company	255
pension to soldiers and sailors who become totally	261
BLUE BOOK (See <i>Biennial Register</i>).	
BOARD OF ARBITRATION , to settle differences between railroads and other companies and their employes	622-625
BOARD OF HEALTH , National Board	note 261, 273, 697
of District of Columbia abolished and duties transferred to health officer	179
(See <i>Health Officer</i> .)	
BOARD OF ORDINANCE AND PORTIFICATIONS , act establishing	619, 620
additional civilian member	896
contracts for steel to be made after advertisement	896
report to Congress	896
BOATS (See <i>Vessels</i>), steamboats on Mississippi River, steam pressure of	1
on internal waters or canals of any State, and canal boats, exempt from enrollment and licenses, etc	15
flatboats, barges, etc., not propelled by sail or internal motive power not required to be enrolled, registered, or licensed	271
BOILERS , steam pressure allowed to those in steam-boats used only for towing or carrying freight on Mississippi River	1
materials for, in Navy, may be purchased without advertisement; subject to test and inspection	205
in District of Columbia, license of engineers for, and other provisions	545, 546
imported articles may be removed from, for manufacture for export	857
BONDED WAREHOUSES (Customs), for storing and cleaning imported rice	6
Secretary of Treasury to regulate	36
to require general-order warehouses to be near landings	36
customs officers not to be interested in	36
supplies for vessels may be withdrawn from, free of duty	443 note 496
materials for repair of vessels withdrawn free	858
merchandise may be withdrawn within 3 years	869
perishable and explosives not affected	869
smelting or refining metals, works may be made	861
imported articles may be removed from, for manufacture for export	859
BONDED WAREHOUSES (Internal Revenue), imported materials for manufacture for export may be removed into	859
no imported article to be taken out except for export	859
preparations containing spirits may be manufactured in, for export	858
withdrawal of tobacco, cigars, and snuff without tax, for export	511
of spirits for fortifying wines	867, 868
distillery, how may be used by successor on death or change of business	1, 2
spirits belonging to former occupant to be separated by partition	2
drawing off, gauging, marking, and removal of spirits to	286

BONDED WAREHOUSES (Internal Revenue)—Continued.	
entry and giving bond	286
when loss on spirits in, is excessive whole quantity to be assessed	286
spirits to be withdrawn in three years	286
withdrawal of spirits on payment of tax	232
form of entry for	232
storekeeper's duties	232
spirits may be withdrawn in packages of any size	287
withdrawal for scientific purposes without tax	159
for export	288
for making sugar from sorghum	930
allowance for leakage	288
for grape and other fruit brandy	139, 632
control and regulations of	139
tax to be paid on monthly returns and brandy to be removed to	139
special stamp to be affixed before brandy removed from	139
conditions of deposition	140
withdrawal from, for transfer or export	140
provisions of law applicable to exportation of grape brandy	140
may be discontinued	140
tax on grape brandy removed without compliance with act	141
payment of tax not extended beyond three years	141
rules and regulations, and penalties	141
spirits may be withdrawn from, for export by giving transportation bond	12
proceedings therefor	12, 236
BONDS (See <i>National Loan; Internal Revenue; Bonded Warehouses</i>), of United States, where to be printed	73, 136
name to be put below portrait on	698
Secretary of Treasury may purchase, at any time	321
may exchange three per cent. for three and one-half	356
United States, may be sold to provide for specie payment	58
of District of Columbia, registered, may be issued for \$1,000 and \$5,000	95
ten-year refunding bonds may be issued by	947, 948
official, sureties on to be notified of deficiencies in accounts of principal	605
to be released in five years if suit not brought	605
sureties on, may secure settlement through Court of Claims	560
of executors in District of Columbia, when not required	519
of postmasters, sureties on, to be notified of deficiencies in accounts	214
sureties on, of bidders for carrying mails to take oath, answer interrogatories, etc.	116
knowingly swearing falsely; how punished	116
of consuls, sureties on, to be approved by Secretary of State	13
of Indian agents, sureties on, to file statement of property	81
of clerks of Supreme, circuit, and district courts	65
Attorney-General may require increased, in which case notice to be given by district attorneys	65
copies of, to be evidence; disposition of original	65
of collectors of internal revenue, provisions concerning	223

	Page.		Page.
BONDS—Continued.		BREWERS—Continued.	
of collectors of internal revenue, of their deputies, etc.....	223	tax on malt liquors not to be assessed on quantity of materials used.....	104
held in trust for Indian tribes to be in custody of Treasurer of United States.....	105	stamps, how procured, affixed, and canceled, etc.....	93
of partnerships for payment of customs duties may be executed by one member in name of firm.....	105	BRIDGES,	
of manufacturers of tobacco, snuff, and cigars.....	237	deflection of water by piers of, to be investigated, etc.....	610
to be conditioned to employ only registered makers.....	240	obstruction to navigation by, to be provided against.....	466, 800
to be given on withdrawal of spirits from bonded warehouses for exportation.....	12	construction of, under State legislation; plans to be submitted to the Secretary of War.....	801
proceedings thereon.....	12	BUILDINGS, PUBLIC (See <i>Public Buildings</i>),	
on exportation of same.....	12	expenditures on, in Army, limited.....	note 499
condition of distillers' transportation bond for spirits withdrawn for export.....	236	to be by contract after advertisement ..	499
distillers', pensalsum, how fixed and limited.....	284	certain in District of Columbia to have fire escapes.....	520
may be given in lieu of owners' consent notwithstanding increase in distillery.....	284	contracts for rent for, in Washington, not to be made without appropriation..	137
on entry of spirits in warehouse.....	285	in District of Columbia, may be rented in place of those now hired.....	373
new, may be required in case of death, insolvency, etc.....	285	to be reported to Congress.....	409
failure to give new.....	285	flow of water in those, in District of Columbia, when to be cut off.....	420
brewers'.....	489	rented by Postmaster-General for offices of second and third classes; conditions of lease.....	483
BOOK-MAKING,		rent of, for third-class post-offices.....	600, 682
within 1 mile of Washington and Georgetown, prohibited.....	900	review of laws on.....	74
BOOKS (see <i>Copyright; Tariff of 1890</i>),		of laws on acquiring real estate for.....	601
seizure of, in case of suspected smuggling, not allowed.....	32	sites for, may be acquired by purchase or condemnation.....	420, 601
invoices, papers, etc., required in civil suits under revenue laws, how obtained..	32	restriction upon contracts, and expenditures for, and for sites.....	note 74, 380, 562, 697, 698
failure to produce.....	33	no appropriation for, without express language.....	380
examination when produced.....	33	appropriations for, to remain available... ..	18, 51
custody of, by owner or agent.....	33	compensation of disbursing agents for.....	note 380, 697
obscene importation prohibited.....	859	report of expenditures for repairs and preservation to be included in Book of Estimates.....	791
not mailable.....	621	contracts for heating apparatus to be advertised for.....	562
tariff on.....	844, 849	number of persons employed on.....	562
importation in violation of copyright forbidden.....	951	BULLION (See <i>Coin</i>),	
copyright law.....	951-954	charge for melting and refining, to be fixed by Director of Mint, etc.....	319
BOUNTIES,		purchase of silver.....	124, note 774
limit of time of muster repealed and certain claims to be reconsidered.....	598	bars may be transferred to New York.....	30
to colored soldiers, how paid.....	252, 578	BUREAU OF ENGRAVING AND PRINTING,	
BRANDY (See <i>Internal Revenue</i>),		may furnish portraits, engravings, etc., to certain public officers.....	275
grape brandy, act relating to.....	139	receipts for miscellaneous work to be covered into Treasury.....	512
bonded warehouses for.....	139	leaves of absence of employés.....	note 567
tax to be paid on monthly return and brandy to be removed to warehouse.....	139	BUREAU OF MILITARY JUSTICE	
special stamps to be affixed before brandy removed.....	139	(<i>Army</i>),	
deposit in warehouse on giving bond.....	140	of what to consist.....	457
withdrawal for transfer or export.....	140	Judge-Advocate General.....	457
provisions applicable to exportation of warehouse may be discontinued.....	140	judge-advocates.....	457
transfer of spirits in such case.....	141	acting, how detailed.....	457
tax on grape brandy removed without compliance with act.....	141	BUREAU OF NAVIGATION,	
payment of tax not extended beyond three years.....	141	in Treasury department.....	461
rules and regulations under act, and penalties for failure to comply with its provisions.....	141	documents relating to registry of vessels to be kept in.....	462
provisions made applicable to brandy from any fruit.....	632	Commissioner.....	461, 462
BREVET RANK,		to publish reports.....	462
in Army, for gallantry in Indian campaigns.....	705	deputy and clerks.....	462
officers may be assigned to duty according to, only in hostilities.....	400	BUREAU OF STATISTICS,	
BREWERS,		to collect facts relating to commerce, railroads, transportation among the States and with foreign countries, and make reports monthly.....	71, 462
bonds of, conditions, renewal, etc.....	489		
special tax on.....	229, 230		

BUTTER (See *Internal Revenue; Oleomargarine; Tariff of 1890*), and cheese, in District of Columbia, provisions respecting sale of..... 207
distinguished from oleomargarine..... 505-508

C.

CADETS (see *Military Academy; Naval Academy*),
at **Military Academy**,
to be appointed to fill vacancies of second lieutenants or to be discharged..... 82
supplies to be furnished to, at cost, by quartermaster and commissary detailed for Academy..... 115
to have books at cost..... 82
at **Naval Academy**,
engineers appointed by Secretary of Navy course of study of..... 4, 376, note 376
naval cadets, number and appointment of pay of when at sea..... 138

CALIFORNIA,
southern judicial district in..... 513
courts, when to be held in..... 98, 513, 514
port of Wilmington, changed from San Pedro..... 10
San Diego and Wilmington, ports of entry, with transportation privileges..... 716
collection districts of San Diego, Wilmington, San Francisco, and Humboldt..... 346
officers in..... 346, 347
life-saving stations on coast of..... 28, 191
indemnity school lands confirmed to..... 132
timber lands in, to be sold..... 167-169
desert lands in, may be reclaimed and purchased by citizens..... 137
branch of National Soldiers' Home at Santa Monica..... note 553

CANADA,
vessels of, may aid vessels of all descriptions disabled, etc., in United States waters..... 742

CANAL BOATS,
exempt from enrollment, license, and payment of customs fees..... 8

CANALS,
Louisville and Portland Canal, tolls on, abolished..... 283
rights of way for canal companies, etc., for public lands..... 946
damages to settlers by company..... 946
applicable to existing and future..... 946
granted only for canal or ditch purposes..... 946

CAPITAL OFFENSES,
upon conviction of, writs of error to supreme court..... 639, 903

CAPITOL,
telegraph between, and departments..... 3
how used..... 5
Architect of, to have control of machinery, employes, etc., for heating, lighting, etc., House of Representatives..... 134, 136, 320
to submit estimates through the Secretary of the Interior..... 134
engineer of Senate wing to be under..... 597
additional police force at, not to be employed..... 119
members of police or watch at, not to receive pay while under suspension..... 71
grounds and terraces not to be used as play grounds, etc..... 100
regulations as to use of..... 115, 349, 350
when, may be suspended..... 350
improvements, etc., in, to be estimated for..... 420

Page.

CAPITOL—Continued.
disbursements of extension, etc., of, to be made by disbursing clerk of Interior Department..... 251
no private studios nor works of art in..... 73, 251

CARDS, POSTAL (See *Postal Service—Postage and Mailable Matter*),

CARTAGE,
of merchandise in custody of Government to be let to lowest bidder, subject to regulations of Secretary of Treasury..... 36

CATTLE,
inspection of, for export..... 436, 937, 939
for internal commerce..... 938
regulations for transportation of..... 938
farmers when exempt from provisions..... 939
rules for humane treatment of, in transport..... 908
diseased, not to be transported..... 436
importation of neat cattle prohibited, etc..... 861

CEMETETERIES,
national, to be under care of Secretary of War..... 113, 214
cities and towns may purchase public lands for..... 810
headstones for soldiers' graves in private, may be erected by Secretary of War..... 214
record of names and place of burial of all soldiers in, to be preserved..... 214

CENSUS,
in year 1890 and subsequent years..... 653, 660
former schedules retained..... 657
railroad corporations, facts concerning, to be ascertained..... 250
express companies..... 259
telegraph companies..... 260
life-insurance companies..... 260
fire and marine insurance companies..... 259
ownership of national debt..... 281
information on naturalization not to be taken..... 281
pay of supervisors..... 703
enumeration of owners of farms, mortgages, etc..... 705
of experts and special agents..... 711
mail matter of, to be free..... 742
reports from unincorporated companies..... 779
extra pay to special agents in Alaska..... 883
of Indians to be reported by agents annually..... 451

CERTIFICATES (See *Coin Certificates*),
for gold deposited, issued by mints and assay offices..... 173
for silver deposited..... 152
may be used in payment for bullion..... 200

CERTIFICATES (Army)
of merit to enlisted men, with extra pay.. 889

CHARGÉS D'AFFAIRES,
salaries of..... 93
to have no additional pay when minister absent without leave..... 479

CHARITABLE ASSOCIATIONS (See *District of Columbia,—charities and reformatories*),
money appropriated for, how drawn..... 42
checks to be used in payment of appropriations for..... 42

CHARTS,
furnished to mariners and others not in public service to be paid for at cost.. 160
of **Coast Survey**,
to be distributed to members of Congress, ten to each..... 250
to be sold at cost and not distributed free..... 202

CHECKS,
duplicates of lost or stolen, how obtained.. 475

Page.

CHEESE , in District of Columbia, provisions respect- ing sale of, and of oleomargarine, etc	207
CHIEF CLERKS (See the several Depart- ments), duties of, in bureaus of Treasury De- partment transferred to deputies... ..	76
chief clerk to Secretary of the Senate may administer oaths to officers, etc.	99
of War Department may be authorized to sign requisitions and other papers in absence of Secretary of War	4
CHIEF OF ENGINEERS (See <i>Army, Offi- cers of</i>), CHIEF OF ORDNANCE (See <i>Army, Officers of</i>), his rank and pay	45
CHINA (See <i>Immigration</i>), acts to carry out treaty stipulations with Secretary of State may lease buildings at Peking for legation to	342 note 625 73
provisions respecting immigration from ..	note 86, 87, 342, 458-461
citizens of United States prohibited from traffic in opium in	539
CHINESE (See <i>Immigration</i>), penalty for altering, etc., certificate as to passengers to be examined by collector ...	342 342
not to be admitted to citizenship	342
acts relating to immigration of	86, 87, 342, 458-461
prohibited from importing opium	538
laborers formerly residing here and left not allowed to return	note 625
CHURCHES (See <i>District of Columbia,—cor- porations</i>), in the District of Columbia, parishes of Protestant Episcopal Church	7 7
vestries and wardens of	7
certain property of, exempt from taxation ..	266, 328
religious societies, how incorporated	407
may take any name	407
election and powers of trustees	408
CIGARS AND CIGARETTES (See <i>In- ternal Revenue; Tobacco</i>), internal-revenue tax on	405, 864
bonds given on withdrawal of, for export, when and how may be canceled	391
penalty for relanding after shipping for export	386
drawback of tax paid on, when the same are exported	240
manufacturers of, record to be kept by col- lector	865
factories to be numbered	868
bond of	240, 865
how packed, etc	864
to have label and notice affixed to boxes ..	240, 405
penalty for removing without boxing	241
for packing in boxes having fraudulent stamps, and other offenses	241
exportation without paying tax	385, 386
exported, are exempt from internal-revenue stamps	241
CIRCUIT COURTS (See <i>Circuit Courts of Appeals</i>), act relating to jurisdiction of, etc. note	611
appeals, etc., to circuit court of appeals and Supreme Court (See <i>Circuit Courts of Appeals</i>)	903
in <i>habeas corpus</i> cases	485
additional judge for second circuit	558
when to sit on election cases	558
jurisdiction of suits against the United States	559-562

CIRCUIT COURTS —Continued. jurisdiction of cases relating to illegal trusts	763
of cases against common carriers under interstate-commerce laws	688
in review of decisions of general ap- praisers of imported merchandise ..	751, 752
of crimes on vessels in the Great Lakes ..	799
of case, civil and criminal, under immi- gration acts	937
appellate, abolished	903
persons not to be arrested in one district for trial in another	611
suits to be brought only in district where defendants reside or are found, ex- cept, etc.	612
not to have jurisdiction of cases by assignees of contracts unless as- signors could have sued thereon, ex- cept, etc.	612
suits removable from State courts to	612
petition, bond, and proceedings for re- moval of cases from State courts to ..	613
previous attachments, bonds, security, etc., remain valid	83
proceedings to be as in other cases	84
time for filing copy of record and appear- ance	84
refusal of clerk of State court to furnish copies, how punished	84
proceedings in, when record not filed, by reason of refusal of clerk, etc.	84
suits concerning real estate claimed under State grants, between citizens of same State, how removed from State courts to	613 613
no title except State grant to be pleaded. receivers to manage property according to State laws	613, 614 614
suits against national banks deemed citizens as to juris- diction of suits	614
issues of fact may be tried by jury in all suits in equity and admiralty cases ..	63
when in equity cases	63
absent defendants in suits to enforce liens, remove incumbrances, or cloud on title to property, how served with process, etc	84, 85
adjudications against, to affect only property	85
suit in such case to be brought in district in which property is situated	84
but if part of property in another district in same State, may be in either dis- trict	85
not personally notified may appear within year after judgment, etc., have same set aside, etc	85
jurisdiction of cases under law for protec- tion of civil rights	68
in admiralty cases, to find facts and law separately	62
jury may try issues of facts by consent of parties	63
review of Supreme Court on such find- ings	63
in patent cases, questions of fact may be submitted to jury	63
may issue mandamus to compel clerks, marshals, and district attorneys to make returns, etc	66
death of party to final judgment in, before time for appeal or writ of error ex- pired; proceedings	85
clerks of, how appointed	639
to reside in their districts, except, etc. ..	18

CIRCUIT COURTS—Continued.	Page.
clerks of, not to be appointed receivers or masters, except, etc.....	254
not to be related to judge.....	614
accounts of clerks, marshals, district attorneys and commissioners proved in.....	65
when to give increased bonds, and proceedings therefor.....	65
penalty for failing to make reports.....	66
circuit court powers of district courts abolished.....	639
in Alabama, courts.....	38, 427
courts, where to be held.....	38, 427, 760
for southern district of.....	38
repeal of certain provisions respecting appellate jurisdiction, etc.....	39
in Arkansas.....	538, 546, note 638-640, 707
in California, when to be held.....	98
for northern and southern districts.....	513
in Colorado, when and where to be held.....	281, 510
jurisdiction of.....	106, 281
succession of Territorial courts, and transfer of cases to.....	281
in Florida, when to be held at Tampa.....	214, 500
in Georgia.....	276, note 336, 439, 643, 650, 954
in Idaho.....	767
in Illinois.....	552, 606, 764
in Indiana, to be held at Fort Wayne.....	327
at Evansville.....	46
in Iowa, when and where to be held.....	290, note 359, 584, 895
suits against residents and nonresidents, where to be brought.....	359
clerk of district court to be clerk of, except at Des Moines.....	290, 359
in Kansas.....	245, 744
in Kentucky.....	271, 607
in Louisiana, divided into two districts.....	325, 606, 615
terms in western district.....	606
in eastern district.....	615
in Michigan, western district divided, southern and northern divisions.....	198
terms of, in southern division at Grand Rapids.....	198
in northern division at Marquette.....	198
in eastern district at Bay City.....	543
in Minnesota.....	718, 719
in Mississippi.....	547, note 638-640
in Missouri.....	note 543, note 544, 738, 790
in Nebraska.....	617
in Nevada.....	98
in New Hampshire, when to be held at Concord instead of Exeter.....	317
in New Jersey, cases may be tried in Newark by consent of parties.....	607
in New York.....	334
in North Carolina, to be held at Charlotte at Wilmington.....	196
in North Dakota.....	538
in Ohio, for northern district, when to be held at Toledo.....	172, 361
district divided into eastern and western divisions, with no additional clerk or marshal.....	172
suits, in which division to be brought.....	173
issues and offenses, where to be tried.....	173
jurors; their residence.....	173
process may be executed in either division.....	173

CIRCUIT COURTS—Continued.	Page.
in Ohio—Continued.	
term of, to be held at Columbus for southern district.....	277
in which division suits to be brought.....	278
in Oregon.....	98
in Pennsylvania.....	515
in South Carolina.....	note 639 640, 718
in South Dakota.....	705, 706
in Tennessee, western judicial district divided into eastern and western divisions.....	203
terms of court in.....	203
suits, in which division to be brought.....	203
duplicate writs in certain cases.....	203
deputy clerks and deputy marshals for eastern division.....	203
Perry county added to middle district.....	90
in Texas, Jackson County transferred from western to eastern district.....	265
part of Indian Territory, etc., made part of eastern district.....	674
process returnable at San Antonio instead of Brownsville from certain counties.....	266
jurisdiction and terms of circuit courts in northern, eastern, and western districts.....	266, 297
times and places of holding.....	note 217, 439, 674
process against defendants in different counties; where returnable.....	297
in Vermont.....	10
in Virginia.....	806
in Washington.....	711
in West Virginia.....	153, note 207, 587, note 638-640
in Wisconsin.....	14, 515
in Wyoming.....	770
CIRCUIT COURTS OF APPEALS,	
act establishing.....	note 901-905
one additional judge to each circuit.....	901
meeting.....	956
to prescribe forms, etc.....	902
clerk and marshal; salaries.....	902
costs and fees.....	902
rules.....	902
what judges may sit on.....	902
presiding justice of.....	902
when district judges may sit.....	902
no judge to sit on appeal from his own decision.....	902
term of.....	902
existing circuit courts to have no appellate jurisdiction.....	903
appeals from district and existing circuit courts to Supreme Court or Court of Appeals.....	903
when to Supreme Court direct.....	903
jurisdiction.....	903
judgments final when.....	903
may certify questions to Supreme Court.....	903
proceedings in such cases in Supreme Court.....	903
certiorari.....	903
appeals, writs of error, etc., to Supreme Court where matter exceeds \$1,000, etc., within 1 year.....	904
from order granting injunction, within 30 days.....	904
expenses of judge attending courts.....	903
court rooms.....	904
officers' compensation.....	904
cases reviewed by Supreme Court, or from circuit or district courts, how remanded.....	904
appeals to, to be taken within 6 months.....	904

	Page.		Page.
CIRCUIT COURTS OF APPEALS—Continued.		CLAIMS—Continued.	
or less in certain cases	904	certain, for stores furnished Army by loyal citizens to be examined and reported to Congress	14
methods and system of	905	for quartermaster's stores, etc., not to be allowed where fraudulent amount is claimed	159
may be allowed by any judge of the court	905	for horses lost by officers in military service	37, 390, 615
from U. S. court in Indian Territory	905	for loss of private property of officers and soldiers	481
from Territorial courts	905	allowed to be reported to Congress	18, 180, 470
issue of writs	905	CLERKS (See Chief Clerks),	
CIVIL RIGHTS,		to Admiral, Vice-Admiral, commanders of vessels, etc.,	
equality of all persons in inns, public conveyances, theaters, and places of public amusement	67	not to be appointed from civil life	159
provisions, remedies, jurisdiction of courts, etc., in relation to violation of	68	how detailed from officers of Navy	159
jurors not to be excluded on account of race or color	68	at Armory at Springfield , their salaries	55
cases under law relating to, may be reviewed in Supreme Court without regard to amount in controversy	68, note 901	consular	13
CIVIL SERVICE,		of committees of Congress, per diem pay of	71
Commission	392	in House of Representatives to begin from entering on duties	516
rules of	392, 393	disbursing of State Department	71
appointments, how apportioned	76, 393	of courts (See the several courts),	
examiners	393, 394	to reside in their districts, except, etc. ...	18
certain clerks in customs service to be classified	394	not to be appointed receivers or masters except, etc	254
in post-offices	395	not to be related to judges	614
in departments	395	duties and compensation of, in the restoration, etc., of lost records of courts	211
ex-soldiers and sailors to have preference	395	declaration of intention, etc., by aliens for naturalization may be made before	97
not to apply to laborers, etc	395	at close of each quarter to make report to Commissioner of Internal Revenue of money paid on collectors' bonds	222
nor to officers nominated to Senate	395	accounts of, for costs, etc., how proved before taxing or allowing	65
excessive use of intoxicants to be a bar to appointment	395	of circuit courts to be appointed by circuit judge	639
members of a family in, limited	395	accounts of, to be forwarded with vouchers in duplicate to officers of Treasury	65
recommendations of members of Congress not to be considered, except, etc	395	when to give increased bond	65
contributions for political purposes not to be solicited by officers of	395	bonds of, of Supreme, circuit, and district fees of, limited	564
nor received by	396	notice to execute new bonds to be given by district attorneys	65
immunity from political proscription	396	Attorney-General may require increased bonds of	65
giving money, etc., to officials for political purposes prohibited	396	copies of bonds to be evidence; disposition of originals	65
applications to Commissioners to be accompanied with certificate of residence	772	failing to make any report, certificate, etc., to be removed	66
CLAIMS (See Court of Claims),		appointment of successor	66
general jurisdiction of Court of Claims	559	disqualification and additional punishment on removal	66
circuit and district courts, concurrent jurisdiction of	559	mileage, etc., of, how audited and paid	66
certain, may be referred by Congress or committees to Court of Claims	403, 562	in Indian Territory may solemnize marriages	736
by Executive Departments	403, 561	of Supreme Court,	
for Indian depositions, how prosecuted in Court of Claims	note 913-916	to be furnished with Congressional Record	328
for losses of postmasters by casualties	585, 586	to retain fees and costs not exceeding \$6,000	421
for removal of charges of desertion must be filed within limited time	694	to pay excess into Treasury	421, 469
testimony in private-claim cases before Congress, how may be taken	212	of Supreme Court of District of Columbia,	
United States not liable for fees of officers or witnesses for claimants	213	maximum compensation, \$3,500	421
committee, how represented at taking of	213	to pay excess into Treasury	421
subpenas, how served	213	fees of	421
powers and duties of masters in chancery compensation of master, witnesses, etc., how paid	213	in Departments,	
Attorney-General to be notified by committee, etc.	212	higher grades of clerks may be diminished and lower grades increased	120
members of Congress may administer oaths to witnesses	446	discharged soldiers and sailors and their widows and orphans to be preferred in retaining clerks, etc	120
against United States subject to set-offs	90		
proceeding in such cases	90		
forfeited if false vouchers are presented	note 31, 81, 450		

CLERKS—Continued.

	Page.
in Departments—Continued.	
not to be employed in departments beyond provisions of law	120
detailed to investigate pension frauds	73
hours of labor of	409
absence with and without pay	409, note 410
not to be employed unless appropriated for	374
not to be paid from contingent expense appropriations	374
employed elsewhere not be detailed for duty in District of Columbia	375
to be apportioned among States	76, 375, 392
in State Department, Secretary may prescribe duties of, make changes and transfers, etc.	17
in Treasury Department	note 75, 76
in War Department	note 17
not to be employed in relation to fines, etc., formerly allowed Soldiers' Home	71
for Executive Office and Mansion, one to sign patents	200
in Government Printing Office, three to be employed to make estimates	202
of House of Representatives,	
to open depositions in contested-election cases before meeting of Congress	69
not to omit from pay-roll members whose seats are contested	74
may send and receive public documents free of postage	136, 245
to furnish certain documents to Soldiers' Homes	315
COAL,	
in District of Columbia, Commissioners to make regulations respecting sale of	181
tariff on	844, 849
COASTING TRADE (See <i>Vessels</i>),	
vessels engaged in navigating Mississippi River, etc., above New Orleans, exempt from requirement to procure permit to proceed and to unlade	112
COAST SURVEY,	
charts of, to be sold at cost, and not to be distributed free, except, etc	202
members of Congress each to have ten officers, men, and vessels from, may be detailed to duty under Mississippi River Commission	269
naval officers attached to, have allowance for subsistence when	791
COIN (See <i>Gold; Silver; Coin Certificates</i>),	
artists may be engaged to design	806
original working dies to be prepared	806
not to be changed oftener than once in 25 years	806
of foreign countries may be executed	3
value of foreign, to be that of pure metal	869
to be estimated and proclaimed quarterly	869
silver dollar to be coined and to be legal-tender	152
standard weight	152
seigniorage to be accounted for	152, 775
not to be used in payment of gold certificates	152
certificates for silver deposited to be issued receivable for customs, taxes, etc	153
silver, to be issued in exchange for legal-tender notes	124
in redemption of fractional currency	58, 98
silver, to be transported free	380
trade-dollars not a legal tender	124
laws for coinage and issue of repealed	568
fifty million subsidiary silver may be issued	124

COIN—Continued.

	Page.
purchase of silver bullion for	125, 774
legal tender notes to be redeemed in	58
treasury notes to be issued for silver	774
to be legal tender, etc	775
to be redeemed in gold or silver	775
under denominations of \$1 may be exchanged for lawful money	264
may be received in exchange for lawful money	264
subsidiary coinage of, legal tender to amount of \$10	264
monthly coinage of, silver	775
policy of government to maintain gold and silver on a parity	775
review of acts on silver coinage	note 774
trade dollar not a legal tender	124
not hereafter to be coined	568
gold, at what mints, etc., may be received and certificates issued	173
gold bars may be transferred to assistant treasurer of New York from bullion fund to exchange for	40
charge for coining gold repealed	58
three and one dollar gold, and three-cent nickel prohibited	807
minor, may be sent to Philadelphia for cleaning and reissue	626
counterfeiting, how punished	128
making dies for, made a felony, and how punished	889, 890
for foreign coin made a felony, and how punished	890
having in possession likeness of coins, how punished	890
counterfeits to be forfeited	890
COIN CERTIFICATES,	
may be used to pay depositors of bullion at mints	200, 250
no national bank to belong to clearing-house where coin certificates are not receivable	357
all coin certificates to be counted as part of reserve of National banks	357
receivable for all taxes	153
for gold coin may be issued	356
not to be paid with silver	152
gold received for, to be retained for payment of	359
receivable for imports	357
issue of may be suspended	357
not to be used as collateral	357
denominations of	152, 563
gold bars may be transferred from bullion fund to assistant treasurer of New York for redemption of	40
for silver, issuance authorized	152
smaller denominations to be issued	563
COLLECTION DISTRICTS,	
salaries of collectors and other officers	35, 220
ports of arrival from which goods may be shipped in bond for immediate transportation	293
ports at which such goods may be inspected, appraised, and delivered,	294
in Alabama,	
Montgomery to be a port of delivery	39
deputy collector at	39
in Arizona	720
in California,	
San Pedro to be called Wilmington	10
San Diego, Wilmington, San Francisco, and Humboldt districts	346
officers and salaries	346, 347
salary of officers at San Francisco	35
in Colorado, Denver a port of delivery and of immediate transportation	331

	Page.
COLLECTION DISTRICTS —Continued.	
in Connecticut.....	537, 558, 805, 908
in Delaware, customs officers at Seaford, Del.....	276
in Florida, Tampa, and Key West, 516, 547, 652, 711	
in Georgia,	
Atlanta a port of delivery, with privileges of inland transportation to, in bond.....	318
Brunswick district to include Sapelo River, Island, and Sound.....	632
Savannah and Brunswick ports of immediate delivery.....	294
in Illinois,	
salary of collector at Chicago.....	412
Rock Island a port of immediate delivery.....	805
Peoria a port of delivery.....	809
Chicago, Cairo, Alton, and Quincy ports of immediate delivery.....	294
East St. Louis to have same facilities as St. Louis, Mo.....	385
in Indiana,	
Indianapolis a port of delivery, with privileges of transportation.....	328
surveyor at.....	328
in Louisiana,	
New Orleans district, deputy for Lake Charles, La.....	279
salary of collector at New Orleans.....	35
of naval officer and surveyor.....	221
New Orleans a port of immediate transportation.....	293, 294
in Maine,	
Damariscotta, name changed from Port Noble.....	89
boundaries of districts defined.....	316
collector to reside at Bangor, etc.....	316
Gardiner and Richmond to be ports of delivery.....	203
Aroostook district, what to comprise.....	316
Bangor district, what to comprise.....	316
collector and deputies in.....	316
Portland and Bath ports of immediate transportation.....	293, 294
Rockport a port of delivery in Belfast district.....	720
Mount Desert Ferry a port of delivery..	491
in Massachusetts,	
salaries of officers.....	35, 36
Dennis Bourne added to seventh district	467
Rockport a port of delivery in Gloucester district.....	425
Boston a port of immediate delivery.....	293, 294
towns in Massachusetts added to Hartford, Conn., district.....	805
Springfield a port of immediate delivery.....	805
in Michigan,	
Cheboygan, in place of Duncan City, a port of delivery.....	105
Grand Rapids a port of immediate transportation.....	588
Sault Ste. Marie a port of immediate transportation.....	643
Cheboygan, Manistee, Ludington, ports of delivery.....	742
Grand Haven a port of entry.....	742
Detroit, Port Huron, Grand Haven, ports of immediate delivery.....	293, 294
in Minnesota,	
districts and ports defined.....	585
Minneapolis a port of immediate transportation.....	707
St. Paul a port of immediate transportation.....	294
salary of appraiser at St. Paul.....	118

	Page
COLLECTION DISTRICTS —Continued.	
in Mississippi, East Pascagoula a port of delivery.....	91
in Missouri,	
Kansas City and St. Joseph.....	371
St. Louis to include East St. Louis, Ill....	385
St. Louis, St. Joseph, Kansas City, ports of immediate transportation.....	294
in New Jersey district of Burlington, port to be Trenton instead of Lambertton.....	587
in New York,	
to include port of Patchogue, Long Island.....	59
powers of surveyor at Patchogue.....	59
to include part of Hudson County, New Jersey.....	221
officers of port of.....	35, 36, 810
Albany a port of immediate transportation.....	705
New York and Buffalo ports of immediate transportation.....	293, 294
in North Dakota with South Dakota.....	881
Pembina, a port of entry.....	881
in Ohio,	
Miami, and Sandusky districts.....	547
Cincinnati, Cleveland, Toledo, ports of immediate transportation.....	294
Columbus a port of immediate transportation.....	708
Portsmouth as a port of delivery.....	299
surveyor for.....	299
in Oregon.....	336, 337
Portland a port of immediate transportation.....	294
in Pennsylvania,	
three gaugers for port of Philadelphia..	90
salary of collector, naval officer, surveyor.....	35, 36
in South Dakota.....	881
Sioux Falls, a port of delivery.....	881
in Texas.....	293, 294, 677, 805, 806
in Tennessee,	
Chattanooga port of delivery, with a surveyor, etc.....	318
Memphis, Nashville, Knoxville, ports of immediate transportation.....	294
in Virginia,	
ports of delivery, etc.....	284, 346, 630
Norfolk and Portsmouth district, collector to reside at Newport News and surveyor at Yorktown.....	346
Norfolk, Richmond, Petersburg, Newport News, ports of immediate transportation.....	293, 294, 439
in Washington (State).....	336, 337, 789
Port Townsend a port of immediate transportation.....	490
COLLECTORS OF CUSTOMS (See <i>Collection Districts; Customs</i>),	
to report to Secretary of Treasury statement received from masters of vessels of services of consuls abroad.....	443
how to dispose of goods imported for immediate delivery (not in bond).....	444, 445
to transmit to internal-revenue collectors clearance certificates and gaugers' reports upon landing of spirits for exportation.....	12
to transmit to Secretary of Treasury reports received of accidents and probable loss of vessels, etc.....	30
to report to district attorney violations of customs laws.....	34
to furnish information to Secretary of Treasury in case of applications for remission of fines, etc.....	35

	Page.
COLLECTORS OF CUSTOMS —Continued.	
owners of vessels to report accidents to . . .	30
salaries of, at New York, Boston, San Francisco, Baltimore, New Orleans, and Portland, Me	35, 36
in California	347
at Chicago, Ill	412
to cause to be inspected vessels believed to have obnoxious immigrants on board.	87
other duties under Chinese immigration act	457-461
as to Chinese immigrants arriving in vessels	342
(See <i>Immigration</i> .)	
duties of, as to entry and bonding manufactured tobacco for export	62
in relation to merchandise arriving for immediate transportation in bond	293-295
under the passenger act	363-369
the act to regulate immigration	370, 371
COLLECTORS OF INTERNAL REVENUE , (See <i>Internal Revenue</i> .)	
duties of, in relation to transportation bonds given on withdrawal of spirits from bonded warehouses for export	12
may be suspended by Commissioner and notice given to President	119
powers of supervisors conferred upon	119
issuing stamps before receiving payment, guilty of misdemeanor	221
suits on bonds of, report to be made by clerks of courts of collections in	222
to give bonds and renew same when required	222
bonds of, to be filed with First Comptroller	222
to act as disbursing officers without extra compensation	222
who to act in absence of, or in case of vacancy	223
liable on bonds for deputy acting as	223
bond of deputy while so acting available to collector	223
to see that laws are enforced	223
to report delinquencies to Commissioner	223
may appoint deputy collectors, and how they are compensated	224
salaries of, in lieu of commissions	224
may revoke appointment of deputies	224
authority and responsibility of deputies	225
may have certain allowances for expenses, etc	225
total compensation of, limited; not entitled to salary unless confirmed by Senate	225
may examine persons and papers	226
not to issue receipts in lieu of stamps	226
duties of, in relation to sale of real estate for taxes	227, 228
duties of, in relation to spirits in distillery warehouse, collecting taxes, etc	284, 285
may restamp spirits sold for taxes when proof is so low that tax is more than value, etc	234
to account for tax-paid stamps, receive commissions, etc	288
to make returns as to same, how charged with other stamps	288
how to collect pay, account, etc., for export stamps	288
duties of, in relation to manufacturers of tobacco	864, 865
COLLEGES (See <i>Agricultural Colleges</i>), officers of Army and Navy may be detailed as professors of	221, 620, 887

	Page.
COLLEGES —Continued.	
may have issue of ordnance stores, etc	620
though not incorporated, may withdraw alcohol for scientific purposes without payment of tax	159
certain agricultural colleges to be furnished with weights and measures	329
to have duplicate specimens of National Museum and Fish Commission	382
COLLISIONS AT SEA ,	
act to prevent	781-789
rules concerning lights, etc	781-785
sound signals in fogs, etc	785
speed to be moderate in fog	785
steering and sailing rules	785-788
sound signals for vessels in sight	788
precautions not to be neglected	788
local rules for river and harbor navigation not interfered with	788
distress signals	788, 789
repeat	789
duties of masters in case of	800
COLORADO ,	
provisions for formation of State government for	86
unappropriated lands in, remain property of United States	86
settlement of private land claims in	917-925
(See <i>Private Land Claims</i> .)	
school lands in	86
five per cent. of agricultural lands to be used for internal improvements	86
school lands	86
may select certain other lands for, in lieu of mineral lands	424, 425
lands for agricultural college	425
desert-land act to apply to	137, 941
Del Norte land district	26
Bent district	510
Akron land district	704
Hugo land district	704
Sterling land district	704
timber may be cut from mineral lands in, for certain domestic purposes	166
subject to laws of United States	106
to constitute a judicial district, with judge, marshal, and district attorney	106
circuit and district courts in, when and where to be held	281, 510
jurisdiction of	106
officers of court	106
summons and attendance of jurors for	281
records in divisions heretofore established to be kept by clerk of district court	281
fees of jurors and witnesses in	302
jurisdiction of district court	281
Denver a port of delivery with privilege of immediate transportation	331
COLORED PERSONS ,	
bounties to colored soldiers, how paid	252, 578
not to be excluded as jurors	68
issue of marriages according to custom, etc., made legitimate in District of Columbia	215
COLUMBIA INSTITUTION FOR DEAF AND DUMB ,	
itemized report of expenses of	421
part of expenses to be paid from revenues of District of Columbia	698
estimates to be submitted in District of Columbia, estimates	698
instruction and support of inmates	792
admission from States limited	792
report of employes	792

COLUMBIA HOSPITAL OF DISTRICT OF COLUMBIA,	
one of Commissioners of District to be a trustee of	290
COMMANDANT OF MARINE CORPS,	
his appointment, rank, and pay	10
COMMERCE (See <i>Interstate Commerce; Interstate Commerce Commissioners</i>),	
act to regulate	529-533
act amending	684-691
act further amending	891
Interstate Commission created, powers and duties	531-533
act to promote, by contract with American citizens, for carrying foreign mails in American vessels	905-907
contracts in restraint of	762
between states in liquors, regulations of	779
COMMERCIAL AGENTS (See <i>Consuls</i>),	
salaries of	209
to make reports as to wages	209
COMMERCIAL REPORTS,	
printed by State Department, may be sold. what not to be printed in	298
COMMISSARY-GENERAL (See <i>Army, officers of</i>),	
three assistant commissaries-general, and twelve commissaries	45
their rank and pay	45
to continue to examine claims for stores furnished Army by loyal citizens, etc. 14, 159	
COMMISSARIES OF SUBSISTENCE (Army),	
number and pay of	45
COMMISSIONERS,	
of courts,	
accounts of, to be forwarded to district attorney, to be submitted to and passed upon by courts	65
not to have docket fees	513
to institute proceedings for violation of civil-rights law	68
in Utah Territory to be appointed by supreme court of Territory	51
their powers and duties	51
in Indian Territory	737
to be notaries public	737
to exercise powers of justices of the peace	737
may solemnize marriages	737
of deeds for District of Columbia, in States and Territories, may be appointed by President	171
terms of office of	172
COMMISSIONER OF CUSTOMS,	
salary of	75
deputy to perform duties of chief clerk	76
COMMISSIONER OF INDIAN AFFAIRS (See <i>Indians; Indian Lands and Reservation; Indian Territory</i>),	
to furnish copies of contracts to Second Auditor	80
reports, etc., of, to be laid before Congress on first day of session	80
duties of, in relation to bids, etc., for Indian service	80
Indian agents to forward transcripts of books to	81
tabular statement of bids and proposals for contracts for Indian service to be included in the annual report of	121
other duties as to contracts	80, 121, 134
to appoint Indian traders, and make regulations concerning	121
may hire storehouse, etc., and furnish Indians with expenses for transportation by them, etc.	134

COMMISSIONER OF INDIAN AFFAIRS—Continued.	
contracts involving more than \$2,000 to be advertised for	134
may make contracts in advance of appropriations	928
superintendent of Indian schools to report to	698
to perform duties imposed by	928
to make regulations to secure attendance at schools	928
duties in regard to allotments	534
COMMISSIONER OF INTERNAL REVENUE (See <i>Internal Revenue</i>),	
salary of	76
deputy commissioners, number, salaries, and duties	3, 76
may permit successor of distiller dying or changing business to use warehouse. 1	
duties of, as to export of manufactured tobacco	62, 63
powers of supervisors to suspend officers transferred to	119
to notify President when he suspends a collector	119
to make regulations for stamping packages of spirits filled on premises of wholesale dealer	120
to make rules and regulations for carrying into effect act relating to bonded warehouses for fruit brandy	139-141
clerks of courts to report quarterly to, of money paid in suits on collectors' bonds	222
official delinquencies to be reported to	223
may transfer inspectors, gaugers, and storekeepers	223
may appoint not exceeding thirty-five agents	223
duties of, in relation to sales of real estate for taxes, purchases, etc.; to have charge of real estate acquired for taxes; may sell or lease same	228
or release on payment of tax	228
duties of, in relation to survey of distilleries	230
may designate special officer to survey distillery	231
may exempt distilleries of thirty gallons or less from certain obligations	231
may issue stamps for restamping packages of liquors, tobacco, etc., when originals are destroyed	233
may establish and change form of stamps, prescribe manner of attaching, etc.	243
may make regulations for operation of vinegar factories established before March, 1879	266
to prescribe rules, with approval of Secretary, for allowance and rebate of taxes on spirits lost by leakage, etc., when removed from distillery	275
may accept distiller's bond in lieu of consent of owner, notwithstanding increase of distillery	284
may make regulations as to entry of spirits removed to distillery warehouse	285
may require new bond of distillers in case of death, insolvency, etc.	285
may require withdrawal of spirits from distillery warehouse, and tax to be paid when loss of spirits is excessive	286
to prescribe manner of marking casks by gaugers with quantity of liquor, etc.	286
not to assess deficiency of spirits in case of loss by casualty, etc.	287

	Page.
COMMISSIONER OF INTERNAL REVENUE —Continued.	
to make regulations as to withdrawal, etc., of spirits from distillery, etc., for manufacture of articles for export.	288, 858
for allowance for leakage, etc.	288
to prescribe time and manner of collecting pay for export stamps.	288
to make rules for bottling fermented liquors.	758
to make rules for export of fermented liquor.	759
to make regulations for cigarette stamps.	864
change of number of tobacco manufacturers to be approved by.	865
duties as to opium manufacture.	865
duties as to oleomargarine manufacture.	505-509, 866
duties as to food adulterations in District of Columbia.	629
duties as to use of wine spirits for fortifying sweet wines.	866
COMMISSIONER OF LABOR (See <i>Labor</i>),	
his duties and salary.	590
COMMISSIONER OF PATENTS (See <i>Patent Office</i>),	
charged with control, etc., of registry of prints and labels.	16
what prints, etc., may be entered by.	16
fees of for entry of prints, etc.	16
to furnish departments with copies of volumes of drawings, etc.	77
duties of, respecting the registration of trade-marks.	322, 323
to decide on claims to trade-marks.	323
COMMISSIONER OF PENSIONS (See <i>Pensions</i>),	
first and second deputies, duties of and when may act as commissioner.	note 374
may examine agencies or medical boards.	387
may reject contracts for attorney's fees, on what grounds.	453
to report annual additions and reductions.	129
to classify pensioners of different wars.	711
COMMISSIONER OF PUBLIC BUILDINGS, etc. ,	
duties of, relating to Capitol transferred to Architect of Capitol.	119
COMMISSIONER OF RAILROADS (See <i>Pacific Railroads</i>),	
his duties.	194
his title changed from Auditor of Railroads.	320
COMMISSIONER OF THE GENERAL LAND OFFICE (See <i>General Land Office; Lands, Public</i>),	
assistant commissioner authorized.	772
powers and duties of recorder of land titles in Missouri transferred to.	notes 11, 115
to select school lands for certain fractional townships in Missouri.	41
to cover into Treasury money received for lands entered for cash.	135
to prescribe regulations respecting claims, sale, etc., of timber lands in California, Oregon, Nevada, and Washington.	168
as to sale of saline lands.	127
as to town-site entries, etc.	138, 139
entry of lands in States where there are no land offices, to be made at office of.	135
to make rules for refund of fees, etc., received for locations which prove void or are canceled.	301
to prescribe rules in relation to purchase by actual settlers of railroad lands restored to public domain.	313

	Page.
COMMISSIONER OF THE GENERAL LAND OFFICE —Continued.	
surveys in Alaska to be approved by.	944
to transmit papers to Court of Private Land Claims.	918
to make surveys of claims confirmed by court.	921
to transmit surveys to court.	921
to issue patents for not over 160 acres in 20 years' possession in certain localities.	924
COMMITTEES (See <i>Congress; House of Representatives; Joint Committees; Senate</i>).	
COMMON CARRIERS (See <i>Interstate Commerce; Interstate Commerce Commissioners</i>),	
act relating to, engaged in interstate commerce.	529-533
amended.	684-691
Interstate Commerce Commissioners may investigate business of.	891, 892
circuit courts to issue order to witnesses vessels used by, when not subject to forfeiture for violation of revenue laws.	892
COMMUTATION (See <i>Army, Enlisted Men; Army, Officers</i>),	
to soldiers and sailors for, artificial limbs without fee to agents.	927
of Army officers' quarters.	190, 267, 348
none for forage to officers of Marine Corps.	473
COMPTROLLERS (of Treasury) (See <i>Accounting Officers; Auditors</i>),	
salaries of.	76
deputies to perform duties of chief clerks.	76
First ,	
bonds of collectors of internal revenue to be filed with.	222
decisions of, may be published annually.	388
deputy or other designated officer, when may sign for.	409
Second , abstract of bids and proposals for contracts for Indian service to be filed with.	121
to settle all accounts of Signal Service.	793
COMPTROLLER OF CURRENCY (See <i>National Banks</i>),	
salary of.	76
force to be employed in office of, for carrying out provisions for redemption of national-bank notes.	76
duties of, in relation to insolvent banks and receivers.	107, 353, note 354, 488
in relation to corporations in District of Columbia.	871
CONDEMNATION OF LAND.	
for public uses.	note 601
for life-saving stations.	72
for light-houses, etc.	420
for river and harbor improvements.	584
for fortifications.	780
in District of Columbia.	793
by Commissioners of District of Columbia.	777
CONGRESS (See <i>Senate; House of Representatives</i>),	
contingent funds of, how expended.	254, 627
members and officers of, may use telegraph connecting Capitol with Departments on public business only.	5
disbursements of pay of members may be made by U. S. Treasurer in certain cases.	348
reports of committees to be indexed and bound.	516
may be reprinted on payment of cost.	515
debates of, how printed.	2

	Page.		Page.
CONGRESS —Continued.		CONSPIRACY,	
Sergeant-at-Arms to receive no fees.....	16	to defraud United States; all parties liable	
salary of members reduced.....	2	to penalty if one does any act, etc..	264
pay for reporting proceedings of.....	31	CONSULAR COURTS	
provisions for publication and distribution		jurisdiction of, in Ottoman country or	
of acts of (See <i>Laws</i>).....	21, 22, 77	Egypt may be suspended by Presi-	
actions against officers of either house for		dent.....	6
official acts to be defended by dist-		suspended by proclamation.....	note 6
trict attorneys.....	76	CONSULS AND CONSULATES,	
mode of paying judgments in such cases	77	salaries of consuls and diplomatic offi-	
contracts for fuel to be upon advertise-		cials.....	note 209
ments.....	567	of interpreters in Japan, China, and	
record to be sent to certain States and Ter-		Siam.....	13
ritories.....	387	of chargé d'affaires at Teheran, Persia. note	379
members of, to have seeds from Agricultural		not to have any of salary of secretary or	
Department for distribution.....	773	interpreter.....	479
members of, may send and receive public		time of transit allowed to.....	13
documents, seeds, etc., by mail free.		salary of consular clerks, after five years'	
136, 150, 245		service.....	13
for nine months after term expires.....	70	vice-consuls acting as consuls to receive	
and members-elect may send official let-		pay, although aliens.....	14
ters to Government officers free.....	932	bonds of certain consuls to be such as Sec-	
may have public documents bound at		retary of State may approve.....	13
Government Printing Office....	149, 382, 421	agent and consul-general at Cairo, title of. note	55
may administer oaths to witnesses.....	446	consuls not to be absent without leave more	
provisions for taking testimony relating to		than ten days at a time, and if so ab-	
private claims before.....	212, 213	sent not to have pay, except, etc....	14
fiscal year for certain expenditures of, to		not to correspond with private parties on	
extend to July 3.....	877	public affairs.....	14
clerks of committees, per diem pay.....	71	nor recommend persons for employment,	
usual number of public documents to be		etc.....	15
printed.....	387	nor accept presents for themselves or	
CONGRESSIONAL CEMETERY,		others.....	15
monuments to be erected to deceased Sena-		reports of discussing politics, religion,	
tors and Representatives interred in.	104	etc., not to be published.....	note 469
CONGRESSIONAL LIBRARY (See <i>Li-</i>		not to expend fees in excess of allowances.	470
<i>braries</i>),		meaning of word "consul" as used in laws	
fees and duties of librarian under copy-		respecting foreign relations.....	97
right law.....	15, 952	in certifying to voluntary emigration to as-	
may be used by Regents of Smithsonian		certain whether emigrants have con-	
Institution.....	96	tracted for immoral purposes.....	86
when law library to be kept open.....	597	other duties under Chinese immigration	
by Interstate Commerce Commission and		act.....	460
Chief of Engineers of Army.....	884	in Tripoli, Tunis, Morocco, Muscat, and	
committee on, during recess.....	416	Samoan or Navigator Islands in-	
stealing, etc., books from, how punished.	195, 196	vested with certain judicial powers.	181
CONGRESSIONAL PRINTER (See <i>Pub-</i>		at Aix-la-Chapelle removed to Cologne... ..	98
<i>lic Printer; Government Printing Office</i>),		at Omoa and Truxillo removed to Utila in	
CONGRESSIONAL RECORD,		Bay Islands.....	98
postage on.....	45	name of, at Omoa, etc., Honduras, changed	
may be mailed by members of Congress		to Ruatan and Truxillo.....	152
free.....	70	in Russia at Amoor River discontinued... ..	95
extracts may be reprinted at cost.....	71	at Vladivostock to be of class five.....	95
to be sent to States and Territories having		and at Fayal and Auckland may engage	
libraries.....	387	in trade.....	95
distribution of.....	note 424	to make reports of exports and imports	
to be sent free to legations abroad.....	516	with market price of articles, etc... ..	209, 592
to be furnished to justices, clerk, and mar-		and commercial agents to transmit infor-	
shal of Supreme Court.....	328	mation as to rates of wages.....	209
index to, to be printed semimonthly.....	423	as to commerce, agriculture, etc.....	592
how distributed, and by whom prepared,		certain judicial functions of, in Egypt sus-	
etc.....	note 424	suspended.....	6
may be sold by Public Printer.....	422	duties of, in relation to invoices of goods	
separate account of printing to be kept and		intended to be transported in bond	
reported to Congress.....	56	to inland port of delivery.....	293
CONNECTICUT,		duties of, as to deserters from vessels....	441
term of district court at Hartford, to be		as to destitute seamen.....	441, 442
held on fourth Tuesday in November.	270	no fees to be charged for services to Ameri-	
Bridgeport a port of delivery with privi-		can vessels and seamen.....	442
leges of immediate transportation in		what compensation to be paid for such	
bond.....	537	services.....	442
Enfield a port of delivery with same		terms of service to be furnished masters.	443
privileges.....	908	CONTAGIOUS DISEASES,	
other ports of entry and delivery in.....	558	act of 1878 to prevent introduction of, into	
collector to reside at Hartford.....	558	United States ports.....	157

	Page.
CONTAGIOUS DISEASES—Continued.	
vessels from infected ports or with infected passengers, etc., subject to State quarantine laws, etc.....	157
duties of Commissioners, District of Columbia, to prevent spread of, among animals.....	437
Texas fever not considered such.....	436
provision to prevent spread of, between the States.....	709
prevention of spread of scarlet fever and diphtheria in District of Columbia.....	885, 886
CONTESTED ELECTIONS,	
in cases of, Clerk of House of Representatives to open depositions before meeting of Congress.....	69
time for taking testimony in, limited....	69
amount of allowance to contestants limited act in relation to.....	553, 554
members not to be omitted from pay-roll on account of.....	74
CONTINGENT EXPENSES,	
of Departments and bureaus to be presented to Congress in detail annually.....	135
to be reported annually in detail by Attorney-General.....	18
of Senate, how payments from, made and vouched for.....	254
of Senate and House, how sanctioned.....	627
no additional salaries to be paid from contingent fund.....	627
of Post Office Department not to be diverted.....	201
CONTRACT LABOR,	
provision against importation of foreigners under.....	479, 490, note 41, 542
such laborers to be returned.....	633
allowance to informers of violation of law.....	633
further provisions.....	note 934-937
CONTRACTS,	
for rent of buildings for public use in Washington, D. C., not to be made without previous appropriation....	137
may be made to take place of other rented buildings.....	373
for rent of third-class post-offices.....	600
retained money on, by District of Columbia, how invested, etc.....	559
employés of United States not to be interested in Indian contracts, etc.....	31
authority of Secretary of Treasury to make, with persons to assist in collection of money, etc., withheld, repealed..	37
for transporting public money to be by, after public notices, etc.....	469
contracts for fuel and stationery, etc., for Congress.....	567
limitation of department to supplies of one year, not to apply to mail-bags, locks, etc.....	56
inland and foreign mail service may be combined.....	483
of Indians for sale of allotted lands, when void.....	535
copies of, for Indian supplies to be furnished Second Auditor.....	80
provisions as to advertising bids, etc., in Indian service.....	80, 134
Secretary of War to give preference in, to materials of domestic manufacture..	82
to make rules respecting bids for.....	157, 404
for purchase of horses for cavalry, etc., for Army, by quartermaster's department.....	456, 457
for term of service of Chinese and Japanese immigrants void.....	87
for supply of coolie labor in violation of law; how punished.....	87

	Page.
CONTRACTS—Continued.	
for transportation of Indian supplies of certain amounts to be advertised and given to lowest bidders.....	121, 134
of purchase of supplies for Indian service to be made after advertisement, except in case of exigency, etc.....	121
by whom to be signed in Post-Office Department for stamps, etc.....	135
for mail lettings (See <i>Postal Service</i>), notice of.....	164
provisions concerning.....	116, 117
not to take place until sixty days after first publication.....	165
subletting without consent of Postmaster-General prohibited.....	165
when may be declared void.....	338
in case of lawful subletting copy of, to be filed and notice given to Sixth Auditor.....	165
subcontractors to be paid on certificate of Second Assistant Postmaster-General, unless paid by contractors.....	165
may have lien on money due contractor contractors having different routes failing to perform one not to have pay for other.....	339
on water routes between United States ports; how made.....	165
between United States and foreign ports not to be for more than two years..	166
CONVICTS,	
insane, may be transferred to Hospital for Insane in District of Columbia.....	47, 382
Attorney-General may contract with State asylums for care of.....	47
restored to sanity to be returned to prison..	47
alien, not to be admitted as immigrants ..	87
may be sent back.....	87
to have deduction from sentence for good conduct; on discharge to be furnished with clothes and money.....	89
in District of Columbia.....	708
designation of penitentiaries for.....	111
in prisons, etc., not to be hired out.....	539
importation of, prohibited.....	86, note 934
of products of labor of, forbidden.....	868
in District of Columbia, where to be confined.....	111
may be confined in jail when transportation would exceed cost of maintenance..	111
place of confinement of, may be changed..	112
in Territories may be provided for in other Territories or States.....	299
COOKS,	
detail of company, in Army abolished....	210
COOLY TRADE,	
contracting to supply cooly labor in violation of law, how punished.....	87
provisions concerning.....	note 479, 480
COPYRIGHT,	
persons and publications entitled to.....	951, 953
term of exclusive right.....	951
deposit of title, etc., before publication ..	951
copies of publications to be from type set, etc., in United States.....	951
importation of foreign editions prohibited, except, etc.....	951, 952
fees of librarian of Congress.....	952
list of articles to be furnished Secretary of Treasury.....	952
rules for prevention of importation of prohibited articles.....	952
copy of subsequent editions to be deposited in library of Congress.....	953
penalties for violation of law.....	953, 954
discrimination against aliens repealed ..	954
volumes may be copyrighted separately ..	954

COPYRIGHT —Continued.	Page.
to what countries provisions applicable	note 954
books to have certain marks or notice printed on each copy	15
where put on designs for patterns, metals, etc	363
unauthorized use of designs	533
fee for recording, etc., assignment of	15
engravings, cuts, and prints which may be copyrighted	16
what may be registered in Patent Office.	16
CORPORATIONS (See <i>District of Columbia,—corporations</i>),	
tax on circulating notes of	61, 96
national trades unions	498
limitations on holding real estate in District of Columbia and Territories	556
in District of Columbia, churches	7, 407
to insure real estate titles	343
religious societies may take any name	407
election, power, etc., of trustees	408
other provisions concerning	408
provisions as to forming, etc., for various objects	425-427
action against, for injuries causing death	475, 476
number of trustees of joint stock companies	644
provisions for incorporation of trust, loan, mortgage, and other	870-876
State corporations doing business in District of Columbia to comply with	876
CORRESPONDENCE ,	
by diplomatic and consular officers, etc., with private parties, etc., on public affairs prohibited	14
COUNTERFEITING ,	
disbursing officers and bank officers to stamp worthless, etc., notes	108
gold or silver coin or bars, how punished	128
money-order and postal notes	593
using mails for selling, etc., counterfeit money	694
notes and bonds of foreign governments	429, 430
dies, etc., for coins made a felony, and how punished	889, 890
dies, etc., for foreign governments made felony, etc	890
COURTS (See <i>Circuit Courts; District Courts; Court of Claims; Supreme Court; and the several States</i>).	
persons charged with crime admissible witnesses in their own behalf	155
clerks of, not to be receivers, etc	254
relatives of judges not to be appointed officers of	614
officers of, in Arizona and New Mexico to have double fees	383
laws of States as to remedies for improvements by occupants of lands under color of title adjudged invalid to apply in Federal courts	10
judgments of, to be lien on property same as in State courts	602
indexes of	602
provisions for restoring, supplying, etc., lost records	211
clerks, marshals, and district attorneys to reside in their districts, except, etc	18
jurors, how drawn	270
in Pennsylvania, same as elsewhere; repealing special provision	270
not to be excluded on account of race or color	68, 270
per diem pay of	270
in Colorado	302

COURTS —Continued.	Page.
writs of error	903
consular, jurisdiction of, in Ottoman country or Egypt, suspended	note 6
in Territories need not exercise common law and chancery jurisdiction separately	7
right of trial by jury preserved	7
appellate jurisdiction from, to Supreme Court of the United States, how exercised and proceedings in	7, 485, 905
in Oklahoma	676, 732, 736
in Utah Territory (See <i>Utah Territory</i>), provisions concerning	48, 51
in District of Columbia (See <i>District of Columbia, Supreme Court</i>),	
general term, etc	220
two circuit courts at same time	220
cases may be reviewed by Supreme Court	485
jurors in	291
sixth judge for	220
may cause arrests, hold to trial, etc	38
criminal jurisdiction	38
justice of supreme court of, holding criminal term, may also hold circuit	41, 291
may appoint constables	171
and two additional criers	350
to fix and approve bonds of justices of peace and constables	171
may remove constables	171
COURT OF CLAIMS (See <i>Claims; French Spoliations; Indian Depredations</i>),	
general jurisdiction of	559
set-offs, counter-claims, etc	559
limitation of 6 years	559
circuit and district courts to have concurrent jurisdiction with, in certain cases	559
officers, etc., under obligation may have amount due ascertained by	560
parties and persons interested may be witnesses in	403, 561, 915
appeals from, etc	561, 916
interest on judgments of	561, 811
costs	136, 562
claims may be referred to, by either House of Congress	403, 562
or by any committee thereof	403
proceeding in such cases	403
judgment may be entered when	562
claims may be referred to, by Executive Departments, when	403, 561
proceedings thereon	403, 562
not to have jurisdiction of claims barred by law	403
proceedings in claims for stores and supplies	403
reports to be continued from session to session, etc	404
quorum of	47
not to allow claims fraudulently prosecuted	159
what judgments to be reported to Congress to determine validity and amount of French spoliation claims	471
evidence in such cases, what admissible	472
findings, how reported and effect of	472
limitation in such cases	472
to adjudicate Indian depredation claims	913
limitation in such cases	914
evidence admissible in such cases	915
judgments, how payable	915
how reported	916
fees in such cases	916
COURT OF PRIVATE LAND CLAIMS , (See <i>Private Land Claims</i>),	
officers, organization, jurisdiction, and powers	note 917-925
appeal from to Supreme Court	920, 921

	Page.
COURTS-MARTIAL (Army),	
records of regimental, garrison and field officers, where to be filed and when may be destroyed	135
defendants may be witnesses	155
summary, for trial of enlisted men	878
general, by whom to be appointed	463
punishment by, limited	808
CRIMES AND OFFENSES (See District of Columbia,—crimes and offenses),	
not capital, not to be prosecuted after three years except, etc.	98
by Indians in Territory	482
costs, how paid	699
in State	483
against officers of United States	554, 589
laws reviewed	note 670
in Indian Territory	670-676, 731-738
in Oklahoma	720, 721, 723, 725
counterfeiting gold or silver coin or bars ..	128
(See Counterfeiting),	
under laws relating to Life-Saving Service; loss of vessels at sea	30
relating to customs; various provisions concerning	32-34, 60
(See Customs),	
willful injury to United States telegraph lines	46
bringing into country kidnaped persons to hold to involuntary servitude; selling persons therefor, etc.	46
on the great lakes, circuit and district courts to have jurisdiction	799
employes of United States becoming interested in Indian contracts, etc.	31
review of laws as to fraud and collusion in Indian service	31
manslaughter	85
carual intercourse with female under 16 ..	641
under law relating to immigration from China, Japan, and elsewhere	87
embezzlement of public property declared felony and how punished	88
receivers and concealers, how punished ..	89
may be tried before or after principals ..	89
cutting or injuring unlawfully trees on lands of United States	91
breaking fences, walls, etc., inclosing public lands	91
driving cattle, etc., on public lands	91
falsely, etc., pretending to be a United States officer, etc.	425
all parties to conspiracies to defraud United States liable if one does an act	264
using official postal envelopes on private business	136
persons charged with commission of, may be witnesses	155
depreations on fixtures in houses	157
breaking into house, building, vessel, etc. keeping, etc., policy lottery shops, or permitting house to be used for policy lotteries	158
keeping gambling-house or permitting gaming-table	396
playing confidence game	396
stealing, injuring, etc., books, etc., in Library of Congress, or in any public library	195, 196
bigamy in Territories	331
(See Bigamy.)	
against internal revenue laws (See Internal Revenue),	
liquor dealers and rectifiers carrying on business without license	60
affixing imitation stamps to packages of liquor	60

	Page.
CRIMES AND OFFENSES—Continued.	
against internal revenue laws—Cont'd.	
fraudulently claiming drawback on manufactured tobacco	62
violations of provisions of act relating to bonded warehouses for fruit brandy ..	141
embezzlement by internal-revenue officers	213
making, selling, using, etc., false revenue stamps or dies, removing stamps, buying, etc., removed stamps	235
penalties on brewers extended to all unlawful acts	236
in relation to internal-revenue stamps affixed to packages of spirits imported ..	237
violations of law by manufacturers of tobacco	238
by dealers in leaf tobacco	238
by manufacturers of cigars and dealers	240, 241
by manufacturers of opium	866
by persons using wine spirits in sweet wines	866, 868
fraud committed or attempted by rectifiers, and for aiding same	233
against postal laws (See Postal Service),	
violation of prohibition against mailing or taking from mails libelous or indecent matter	621
obscene matter	612
sureties on bonds of bidder for carrying mail swearing falsely	116
bidders wrongfully failing, etc., to enter into contracts for carrying the mails 116-	118
prima facie evidence in such case	113
using mails to sell or to counterfeit money ..	694
fraudulently assuming fictitious address counterfeiting, etc., money orders and postal notes	593
making false statements as to second-class mail matter	593
officers failing to account for postage or to cancel stamps	249
marking, selling, etc., canceled stamps ..	249
using Army as a posse committatus in violation of law	190
in District of Columbia (See District of Columbia,—crimes and offenses),	
embezzlement	151
gambling, pool selling, and book-making within a mile of Washington and Georgetown, D. C., how punished ..	900
stealing, removing, concealing, altering, etc., books, etc., of District of Columbia	151, 152
abuse, abandonment, etc., of children ..	475
employment of child as gymnast, etc.	475
enticing females to house of prostitution, etc	475
fraudulently obtaining gas in	55
CURRENCY (See Coin; Fractional Currency; United States Notes; National Bank Notes).	
issue of United States notes; how far limited	28, note 166
silver coins in place of fractional	58
national bank notes not limited	166
tax on circulation	61, 96
CUSTOMS (See Collection Districts; Collectors; Tariff of 1890).	
rates of duties	812
(For particular articles see Tariff of 1890, where all articles are specially indexed.)	
expenses of collecting to be estimated for ..	375
unexpended balances to be covered into Treasury	18, 375

CUSTOMS—Continued.

receipts from fines, penalties, etc., fees, services, etc., to be reported to Congress	297
statement of expenditures in collecting revenue from customs to be reported to Congress	297
leaves of absence to per diem employes	789
inspectors employed at night, pay of	292
Secretary of Treasury may appoint inspectors at less than \$3 a day	321
canal boats and boats on inland waters and canals exempt from fees of	8
seizure of books, etc., in case of suspected smuggling not permitted	32
moieties to informers abolished, and fines to be paid into Treasury	32
compensation to be allowed for detection of smuggling and reported to Congress	32
to officers and others for detecting and seizing in case of smuggling	32
to informers who are not officers	32
books, invoices, and papers required in civil suits under revenue laws, how obtained	32
failure to produce	33
examination when produced	33
custody of, by owner or agent	33
claim of informer where judicial proceedings are instituted to be certified by court	33
where no judicial proceedings, to be proved to Secretary of Treasury	33
to review decisions of assistant appraisers	750
decisions of customs officers final, unless appeal taken to general appraisers	750
rate and amount of duties to be decided by collector, subject to right of appeal to board of general appraisers	751
circuit courts to review decisions of general appraisers	751
appeal to Supreme Court by claimant and by United States	752
Supreme Court to advance such cases	752
judgments for importer, how paid	752
to be always open, etc	752
general and local appraisers and collectors may administer oaths, examine witnesses, require production of books, etc	752, 753
refusal to appear before appraisers	752
decisions of general appraisers to be filed and abstracts published	753
ad valorem duties, how assessed	753
"value" and "actual market value" defined	753
in seizure cases burden of proof on the claimant	753
certain fees and oaths abolished	753
compensation in lieu of	754
exportation declaration	754
property may be abandoned, when	754
how disposed of	754
refund of overpayments	754
detailed report of	754
collectors and other officers not liable to importer for rulings and decisions	754
bribery, provisions concerning	754, 755
asking and taking bribes	755
baggage and personal effects in transit to foreign countries may be delivered to collector and forwarded	755
repeal and its effect	755, 756
salvor of goods from wrecked vessels to be considered owner for customs purposes	542, 756

CUSTOMS—Continued.

duties on unenumerated articles	857
articles to be marked with country of origin	858
articles simulating domestic trade-marks excluded	858
materials for ship-building free	858
obscene books, etc., not admitted	860
penalty for violation and procedure	861
discriminating duties on goods in foreign vessels	860
when not to apply	860
repeal of discriminating duties on goods from east of Cape of Good Hope	389
goods not to be imported unless in vessels of United States or country of origin	861
not to apply unless like discrimination	861
duty on reimported domestic articles subject to internal tax	861
entry of metals for refinement and export	861, 862
drawbacks	862
articles of foreign production for supplies of vessels may be withdrawn from bond, free	443
applies to fishing and whaling vessels	496
drawback on material used in vessels built for foreign account	443
officer receiving part of informer's fees, except in cases of smuggling, prohibited; penalty	33
action against, to recover money so paid may be had	33
officers and persons claiming compensation for informing, etc., and defendants, may be witnesses	33
merchandise entered in violation of law relating to false invoices, etc., may be seized and held for payment of fines, etc	34
how released by giving bond, etc	34
customs officers detecting violations of customs laws to report to collector, who shall report to district attorney for prosecution	34
proceedings for relief of persons charged with incurring fines, etc	34
summary hearing in, before whom to be had, and subsequent proceedings	34
officers compromising claims for fines, forfeiture, etc., how punished	35
Secretary of Treasury may remit fines, etc	35
applicants for remission of fines, etc., to notify district attorneys, who shall furnish information, etc	35
settlements as to duties, in absence of fraud or protest, to be conclusive after one year	35
suits for penalties and forfeitures to be commenced within three years, except, etc	35
annual salaries to be paid to collectors, naval officers, and surveyors	35, 36
Secretary of Treasury to regulate bonded warehouses, general stores, etc	36
general-order warehouses to be near landings	36
customs officers not to be interested in warehouses	36
public cartage to be let to lowest bidder, and subject to regulations	36
repeal, saving existing rights	36
warrants for search and seizure of goods upon which duties are not paid	337
power of Secretary of Treasury to refund, restricted	82

CUSTOMS—Continued.

	Page.
decisions of Secretary once made not to be modified adversely to United States, except, etc.....	83
decisions of inferior courts respecting, need not be acquiesced in by Secretary of Treasury.....	83
reports to Congress of money refunded for customs duties paid, to be made annually by Secretary of Treasury.....	83
separate entry of packages of importation may be made in certain cases.....	100
oaths of importer, consignee, or agent in such case.....	101
bond of partnerships to pay duties.....	105
silver dollars, silver and gold coin certificates, and Treasury notes issued upon silver, receivable for.....	153, 357, 775
immediate inland transportation in bond of dutiable merchandise.....	293-295, 297
merchandise to be transported to be entered of record at port of arrival.....	293
to what other ports the privileges extended.....	notes 293, 294
kind of merchandise subject thereto.....	540
not to be transhipped or unladen.....	540
to be loaded directly from vessel.....	447
to apply only to goods liable to specific duties.....	541
to be examined there, and appraised at port of destination.....	293
to be transported by designated common carriers only.....	293
bond of carriers.....	293
quadruplicate invoices to be taken by consuls, etc., without additional fee.....	293
merchandise not to be so transported when it has been landed ten days.....	294
lien for freight on, how preserved.....	295
repeal of former provisions on the subject.....	295
vessels loaded with bulky articles may unload at any point in collection district.....	446
merchandise in vessels sunk and abandoned admitted free.....	861
certain products of Hawaiian Islands admitted free of duty.....	121, 910
grain from Canada brought in to be ground, free.....	391
imported liquors to pay internal-revenue tax by stamps in addition to duty.....	236
to be placed in public stores, gauged, inspected, stamped, etc.....	236
other provisions concerning same.....	236, 237

CUSTOMS DISTRICTS (See *Collection Districts*),

CUSTOMS DUTIES (See *Tariff of 1890*).

CUSTOMS OFFICERS (See *Collection Districts; Collectors; Customs; Customs Duties*),

annual salaries of certain, instead of fees.....	35
maximum compensation of surveyor performing duties of collector.....	77
salary of collectors at New York, Boston, Philadelphia, San Francisco, Baltimore, New Orleans.....	35
at Portland, Me.....	36
of naval officers at New York, Boston, San Francisco, Philadelphia.....	35
of surveys of New York, Boston, San Francisco, Philadelphia.....	35
extra pay to inspectors of vessels employed at night.....	445
salaries of naval officers at Baltimore and New Orleans.....	221

CUSTOMS OFFICERS—Continued.

	Page.
salaries of surveyors at Portland, Baltimore, and New Orleans.....	221
of appraiser at New York.....	925
at St. Paul.....	118
salary of examiner of drugs, etc., at Boston.....	438
one appraiser and two assistants at New Orleans.....	335
detecting violation of customs laws to report to collector.....	34
not to be interested in warehouses, etc.....	36
compromising or abating claims for fines, etc., how punished.....	35
various duties under customs laws.....	32-36
oaths of, by whom administered.....	60
duties of, under act to prevent introduction of contagious and infectious disease into United States.....	157
proceedings by, as to goods concealed upon which duties are not paid.....	337
leave of absence for certain.....	789
to require proof of value, when.....	746
act to simplify collection of revenues.....	744-756
consignee to be considered owner.....	744
except when abandoned to underwriters or brought in by salvors.....	542, 756
holder of bill of lading to be considered owner.....	745
invoices, how made out.....	745
to be produced to consul, and how indorsed.....	745
what to contain.....	745
merchandise accompanied by invoice.....	745
if no invoice, by affidavit.....	745
contents of affidavit.....	745
importers may be examined under oath if invoice is not producible.....	746
bond, when entry is made on statement without invoices.....	746
periodicals on free list, how declared.....	746
declarations to accompany invoice.....	746, 747
penalty for false statement.....	748
additions may be made to invoice values to make them agree to market values.....	748
when appraisal exceeds declared value more than 10 per cent. extra duties to be charged on undervalued articles.....	748
if difference exceeds 40 per cent. goods to be seized, etc.....	748
burden of proof.....	748
forfeiture to apply to entire package.....	748
additional duties to apply to pro forma invoice statement, etc.....	748
consignments for sale by manufacturer, statement required showing cost.....	748
not by manufacturer, statement required showing purchase and price.....	749
forfeitures for false entries.....	749
merchandise to be appraised at current market value.....	749
how value ascertained.....	749, 750
general appraisers, nine to be appointed.....	750
when and how employed.....	750
board of, in New York.....	750

D.

DAKOTA (See *North Dakota; South Dakota*).

DEAF AND DUMB (See *Columbia Institution*).

DEATH,

of party to final judgment in circuit court before time for appeal or writ of error expired; proceedings thereon.....	85
---	----

DEBATES (See *Congress; Congressional Record*),

of Congress to be printed under the direction of the Joint Committee of both Houses.....	2
--	---

	Page.		Page.
DEEDS,		DEPUTY COLLECTORS,	
appointment of commissioners of deeds		of customs (See <i>Collection Districts;</i>	
for District of Columbia in States		<i>Ports</i>).	
and Territories	171	of internal revenue,	
acknowledgments of may be taken before		appointment, compensation, authority,	
notaries public for use in United		etc	224
States courts	123	duties in relation to assessments, etc....	226
in District of Columbia of land for taxes		DEPUTY COMMISSIONERS OF IN-	
to be presumptive evidence, etc	519	TERNAL REVENUE,	
executed in foreign countries, how ac-		two only, one to be designated first.....	3
knowledged, etc	244	DEPUTY FIRST COMPTROLLER OF	
(See <i>District of Columbia; real estate</i>).		THE TREASURY,	
DELAWARE,		appointment	75
life-saving stations on coast of	28	duties	409
superintendent for	28	DESERT LANDS (See <i>Lands, Public</i>),	
deputy collector of customs or other cus-		in certain States and Territories may be re-	
toms officer may be appointed at Sea-		claimed and purchased	137
ford; his salary	276	right to use water therefrom	137
DEPARTMENTS, EXECUTIVE (See the		defined	137
<i>several departments</i>),		act amending, etc	940-947
officers of, may use telegraph connecting		lands acquired under, not liable for debts ..	940
same with Capitol	5	plan of proposed irrigation to be filed	940
detailed statement of contingent expendi-		three dollars an acre to be expended on ..	940-941
tures to be presented to Con-		cultivation also required	941
gress	135	existing claim may be forfeited	941
restrictions on binding for	201, 209, 221	patents, when to issue	941
useless papers in, how disposed of	note 644	limit of holding	941
clerks in, hours of labor a day	409	additional proof, when required and entries	
may be extended or limited	409	subject to contest	941
leaves of absence with or without pay ..	409, note 410	act applicable to Colorado	941
annual reports of, to be printed in lim-		resident citizens only entitled to such en-	
ited numbers without expensive		tries	941
maps, etc	41	rights of way to make ditches through	
heads of, to furnish estimates by October 1 ..	72	public lands granted, etc	946
to be furnished with volumes of draw-		forest reservation may be set aside	note 947
ings, etc., by Patent Office	77	DESERTION (Army and Navy),	
to inclose penalty envelopes to members		charges of, how removed	note 692-694
of Congress for answer	409	minors discharged by order of court not to	
not to accept voluntary service	427	receive pay or bounty	901
to report number and salary of clerks be-		time of prosecution for, limited	713
low standard	773	act to prevent	757
number of higher grades of clerks in, may		part pay of enlisted men to be retained till	
be diminished and lower increased		discharge	757
within appropriations	120	to bear interest	757
discharged soldiers and sailors, etc., to be		Secretary of War to pass upon conduct ...	757
preferred	120	enlistment for five years	757
clerks, agents, and laborers not to be em-		faithful men may be discharged in three	
ployed beyond provisions of law	120	years	757
civil officers, clerks, etc., not to be em-		effect of	757
ployed in, except as appropriated for		discharge may be purchased	757
annually	374	disposal of purchase money	757
employed elsewhere not to be detailed		deserters may be arrested by civil officers ..	757, 878
for duty in	375	DESIGNATED DEPOSITARIES,	
except certain officers detailed for Treas-		compensation of, limited	17
ury Department	373	DIPLOMATIC OFFICERS (See <i>Consuls</i>	
not to be paid from appropriation for		and <i>Consulates; Foreign Relations</i>),	
contingent expenses	374	secretaries of legation and messenger at	
may transmit packages on official business		Paris to have allowance for trans-	
by mail free	136	mission of invoices	note 13
arms and ammunition may be furnished		meaning of words "minister," "consul," etc.	97
to, for protection of public prop-		time of transit allowed to, established by	
erty	253	Secretary of State	13
may rent other buildings in place of those		not to be absent more than ten days at a	
now hired, etc	373, 409	time, etc., without leave; if so absent	
not without a previous appropriation ..	137	not to have pay, etc	14
DEPOSITARIES,		not to correspond with private parties on	
of public moneys at Buffalo, Santa Fé, and		public affairs, nor recommend per-	
Pittsburg discontinued	120	sons for employment, etc	14, 15
at Buffalo, New York, Louisville, and Pitts-		nor accept presents, etc	15
burg, compensation	17	compensation of	93
DEPUTIES,		Congressional Record to be sent to ..	note 424, 516
of Comptrollers, Auditors, Register, and		secretary not to be paid extra when minis-	
Commissioner of Customs to perform		ter is absent without leave	479
duties of chief clerk	75, 76	minister to Uruguay, repeal	478
		secretary and interpreter in China, repeal	
		of salary provisions	479

DIPLOMATIC OFFICERS—Continued.	Page.
Secretary of State to estimate for entire amount for diplomatic service.....	351
DIRECTOR OF MINT (See <i>Mints</i>).	
DISBURSING OFFICERS,	
of Army, Secretary of War to make frequent inquiries as to necessity and economy of disbursements by, and report annually to Congress.....	9
for signal service.....	792
to allow only actual expenses to public officers for travel.....	81
except marshals, district attorneys, and clerks of courts.....	66, 81
and except to officers of Navy and Army.....	159, note 756
commissions for disbursing money in erection of public buildings.....	78, note 380
to stamp counterfeit, worthless, etc., notes.....	108
presenting false vouchers, etc., for Indian accounts, penalties.....	450, 451
postmasters at money-order offices may be at Presidential offices.....	467, 339
may issue duplicates of lost or stolen checks, when.....	475
sureties on bonds of, to be notified of deficiencies in accounts.....	605
to be released if not sued in five years... of District of Columbia, pay and bond.....	605, 531
clerk of Interior Department to act as, for Capitol extension, etc.....	251
collectors of internal revenue to act as... for charitable institutions, how to make payments and to be credited.....	222, 93
for signal service and military telegraphs.. of postmasters at Presidential offices.....	896, 339
DISCRIMINATING DUTIES,	
on goods imported in foreign vessels.....	860
DISTILLED SPIRITS, DISTILLERS, AND DISTILLERIES (See <i>Internal Revenue</i>),	
salary of storekeepers at, limited.....	119, 120, 267, 484
on death or change in business of distiller, warehouse may be used by successor with leave of Commissioner.....	1
spirits belonging to former occupant to be separated by partition.....	2
spirits may be withdrawn from bonded warehouses for exports by giving transportation bond.....	12
proceedings thereon.....	12, 288
tax on, 90 cents a gallon.....	70, 78
packages filled on premises of wholesale dealer to be stamped under regulations, etc.....	120
sale of, by officers of courts, fiduciaries, retiring partner, etc., not liable to special tax.....	228, 229
retailers selling entire stock not liable to special tax.....	229
may be purchased at officer's sale, etc., by rectifiers or dealers in quantities greater than twenty gallons.....	229
special taxes on wholesale and retail dealers not payable by vintners and apothecaries in certain cases.....	230
distiller not subject to special tax.....	229
survey of distillery, etc.....	230
penalty for obstructing officer in examination of distillery, refusing to draw off water in tub, etc.....	231
in manufacturing vinegar, contrivances by which vapor can be converted into spirits not to be used.....	231
vinegar factory not permitted near distillery.....	231

DISTILLED SPIRITS, DISTILLERS, AND DISTILLERIES—Continued.	Page.
vinegar factories established before March, 1879, within 600 feet of, may be operated under certain regulations.....	266
manufacturers of vinegar may separate alcoholic properties from mash, etc....	231
not to remove vinegar with over two per cent. of alcohol.....	231
examination of vinegar manufactories, powers of officers, etc., to same as for distilleries.....	231
distilleries of thirty gallons or less may be exempt from certain obligations....	231
penalty for violations.....	930
form of entry for withdrawal on payment of tax.....	232
storekeeper's duties.....	232
stamps for restamping packages, when original are destroyed.....	233
rectifiers to make returns.....	233
punishment for fraud committed or attempted by, and for aiding same.....	233
and wholesale liquor dealers to return transcript of books monthly to collectors.....	233
to give notice of intent to rectify.....	235
distillery apparatus when seized may be destroyed.....	233, 234
proceedings in relation thereto.....	233, 234
officer liable on his bond for wrongful seizure.....	234
when spirits are sold for taxes and are of so low proof as to be of less value than tax the same may be restamped.....	234
proceedings, etc.....	234
punishment for making, selling, using, etc, false or counterfeit stamps, dies, etc., removing stamps, etc.....	235
tax on spirits accidentally destroyed by fire may be remitted or refunded....	235
not to be remitted where fully insured....	228
assessment on deficient production of distillery may be remitted in certain cases.....	235
distillers of fruit exempt from such assessment.....	235
marshals may arrest and take before magistrate persons operating illicit distilleries.....	235
condition of distiller's transportation bond for spirits withdrawn for export....	236
packages in bond for export may be changed.....	236
drawback of taxes on stills exported..... when withdrawn from distillery warehouse for exportation, allowance for leakages, etc.....	275
unpaid taxes on spirits so lost not to be collected.....	275
to extent of excessive insurance tax not to be remitted.....	275
distillers' bond, penal sum, how limited... in lieu of owner's consent, may be given notwithstanding increase of distillery.....	284, 285
emptying and filling tubs at distilleries.....	285
entry of spirits removed to distillery warehouse.....	285
what to specify.....	285
bond required.....	285
disposition of entries.....	285
new bond may be required in case of death, insolvency, etc.....	285
failure to give new bond.....	285
excessive loss of spirits in warehouse, tax to be collected and spirits removed..	286

Page.		Page.
	DISTILLED SPIRITS, DISTILLERS, AND DISTILLERIES—Continued.	
	tax on spirits in distillery to be paid within three years from entry.....	286
	entry for withdrawal of spirits to specify number of packages and other facts drawing off, gauging, marking and removal of spirits from distillery ware- house.....	286
	serial number.....	287
	form of stamp.....	287
	fermenting period, when deemed to com- mence.....	287
	deficiency of spirits not to be assessed in case of casualty.....	287
	spirits exported in casks or packages of any size entitled to drawback.....	287
	may be withdrawn from warehouse in packages of any size.....	287
	for manufacture of preparations for export may be withdrawn from warehouse without tax.....	288
	allowance for leakage and loss during transportation from distillery ware- house to manufactory.....	288
	collectors to account for tax-paid stamps, receive commissions, etc.....	288
	to make returns.....	288
	how charged with other stamps, reports, books, etc.....	288
	export stamps, how charged and amount collected.....	288
	spirits withdrawn from distillery or bonded warehouse may be regauged.....	288, 289
	allowance for leakage.....	289
	computation of proof spirits.....	289
	manufacture of wooden stills by distillers for own use not subject to special tax.....	289
	distillers of grape and other fruit brandy 139,	632
	use of wine spirits for fortifying sweet wines.....	866
	recovery of wine spirits.....	868
	distilled spirits may be removed from ware- house by manufacturers of sugar from sorghum without tax.....	930
	Imported liquor,	
	to be placed in public stores, inspected, and stamped.....	236
	forfeited if found without stamps.....	236
	casks of, when filled on premises of wholesale dealer to have special stamp affixed.....	236
	stamps on packages to be defaced, and casks not to be filled with domestic liquor.....	236
	penalty for not effacing stamps for dealing in or using empty packages of, for having, etc., imitation pack- ages.....	237
	DISTINCTIVE PAPER,	
	for United States notes, to be used also for national bank notes.....	72
	to have three plate printings.....	73
	DISTRICT ATTORNEYS,	
	to reside in their districts except, etc.....	18
	may be paid for extra services when.....	18
	when to prosecute for fines, etc., under cus- toms laws.....	34
	not liable for discontinuing proceedings to obtain testimony of accomplices.....	59
	to defend actions against officers of Con- gress for official acts.....	76
	accounts of, for costs, etc., how proved, etc., before taxation and allowance. to be forwarded with vouchers in dupli- cate to officers of Treasury.....	66
	DISTRICT ATTORNEYS—Continued.	
	to give clerks of courts notice to execute new bonds when required by Attor- ney-General.....	65
	mileage and expenses of, how audited and paid.....	66
	to submit to court accounts of commis- sioners.....	66
	fees for preparing deeds, etc., to United States on sale of real estate for taxes. per diem only when court is open for busi- ness, etc.....	564
	to institute proceedings against persons violating civil-rights act.....	68
	penalty for failure to prosecute.....	68
	of middle and northern districts of Ala- bama to act for circuit courts.....	39
	attorney for United States in District of Columbia to return accounts as re- quired of.....	149
	of western district of Michigan to perform duties in southern and northern di- visions.....	199
	duties of, as to restoring and supplying lost records of courts.....	211
	in relation to illegal trusts.....	763
	in Arizona to have double fees, subject to maximum compensation.....	383, 764
	in California.....	514
	in Colorado.....	106
	in Georgia.....	note 336
	in Indiana.....	327
	in Iowa.....	358
	in Kansas.....	245
	in Louisiana.....	326
	in Mississippi.....	345
	in New Mexico to have double fees, subject to maximum.....	383, 764
	in Tennessee.....	295
	in Texas for northern district.....	219
	in Utah.....	51
	DISTRICT COURTS (See Circuit Courts), provisions conferring circuit-court powers upon in certain States repealed.....	638
	appeals and writs of error from, to circuit court of appeals and Supreme Court.....	903
	salaries of all judges at \$5,000 a year.....	596
	judges of, may be paid expenses while hold- ing courts out of their districts.....	321
	clerks of, to reside in their districts, except, etc. (See Clerks).....	18
	bonds of clerks of.....	65
	increased, how may be required, etc.....	65
	clerks of, failing to make returns; penalty. mileage and expenses of clerks; how au- dited and paid.....	66
	jurisdiction of cases under civil-rights act. to have jurisdiction of crimes against In- dian police, etc.....	68
	jurisdiction of claims against United States of crimes on vessels on the great lakes of civil and criminal cases, under immi- gration act.....	554
	jurisdiction of claims against United States of crimes on vessels on the great lakes of civil and criminal cases, under immi- gration act.....	559
	of civil and criminal cases, under immi- gration act.....	799
	in Alabama,	
	judge for southern district.....	510
	terms of court.....	39, 427, 760
	certain provisions as to appellate juris- diction from, repealed.....	39
	in Alaska.....	432
	in Arkansas,	
	eastern and western districts.....	129, 538
	terms of courts.....	129, 538, 546, 707
	circuit court powers abolished.....	638, 639
	in California.....	513, 514
	in Colorado,	
	when and where to be held.....	281, 510

	Page.
DISTRICT COURTS—Continued.	
in Colorado—Continued.	
jurisdiction of circuit and district courts in, etc	105, 281
in Connecticut, term of, at Hartford, to be held on fourth Tuesday in No- vember	270
in Florida, when to be held at Tampa ..	214, 500
in Georgia,	
terms of	276, 277, 650, 954
in which division suits and prosecutions to be brought	277
a judge, clerk, district attorney, and mar- shal for each district	note 336
terms of courts	439, 643
in Idaho	767
in Illinois	552, 606, 764
in Indiana, to be held at Fort Wayne ..	327
at Evansville	46
in Iowa,	
where and when held	34, 290,
note 359, 584, 895	
clerk of, to be clerk of circuit court ex- cept at Des Moines	290, 359
suits against residents and non-residents, where to be brought	360
in Kansas	245, 608, 744
in Kentucky	171, 607
in Louisiana	325, 606, 615
in Maine, to be held at Bangor	423
in Michigan,	
western district divided into southern and northern divisions	198
to hold two terms annually in each di- vision	198
term of, in southern division to be held at Grand Rapids	198
in northern division at Marquette ..	198
juries	199
for eastern district to be held at Port Huron	199
at Bay City	543
in Minnesota	718, 719
in Mississippi	note 344-346, 547, 583
circuit court powers abolished	638, 639
in Missouri	543, note 544, 738, 739, 790
in Nebraska	617
in New Hampshire, when to be held at Concord instead of Exeter	317
in New Jersey, cases may be tried in New- ark by consent of parties	607
in New York	334
in North Carolina, to be held at Charlotte. in North Dakota	196 717
in Ohio,	
for northern district	172, 361
divided into eastern and western divi- sions with no additional clerk or mar- shal	172, 173
suits, in what division to be brought ..	173
issues and offenses, where to be tried ..	173
jurors in, and their residence	173
processes may be executed in either dis- trict	173
districts divided	277
for southern district to be held at Colum- bus	277
in which division suits and prosecutions to be brought	278
residence of jurors	278
in Pennsylvania	515
in South Carolina	718
circuit court powers abolished	638, 639
in South Dakota	705, 706
in Tennessee,	
judge for western district; his salary and powers	171

	Page.
DISTRICT COURTS—Continued.	
in Tennessee—Continued.	
eastern district	171
divided into northern and southern divi- sions	295
to be held at Chattanooga	295
provisions concerning same	295
Fentress County attached to eastern dis- trict	471
Grundy County attached to middle dis- trict	471
Perry County added to middle district . western judicial district divided into eastern and western divisions	90 202
terms of court in	203
suits, in what division to be brought ..	203
duplicate writs in certain cases	203
deputy clerk and deputy marshal for eastern division	203
in Texas, in fifth judicial circuit	217
jurisdiction and return of processes in ..	297
judicial districts and divisions	217, 674
in which division offenses to be tried ..	674
times and places of holding	note 217, 439, 674, note 703
processes against defendants in different counties, where returnable	218
district attorneys, marshals, clerks, and deputies for	220
in Vermont	10
in Virginia	806
in Washington	711
in West Virginia, when to be held	153
note 207, 587	
circuit court powers abolished	638, 639
in Wisconsin	14, 515
in Wyoming	770
DISTRICT OF COLUMBIA.	
accounts, appropriations, and revenues (See <i>District of Columbia—officers</i>), annual estimates to be submitted to and approved by Secretary of Treasury ..	175
(See <i>District of Columbia—estimates</i> .) Congress to appropriate 50 per cent. of approved estimates and remainder to be collected by tax	176
Commissioners may apply revenues to cer- tain municipal uses	174
unexpended balances of appropriations, when to be covered into Treasury ..	18, 678
money of, to be deposited in United States Treasury, and how drawn	176, 351
deposits of money from sales of animals or materials to be deposited in Treasury to credit of United States and Dis- trict of Columbia	678
accounts to be settled by accounting offi- cers of Treasury	176
interest on judgments against, to be 4 per cent	811
administration of justice (See <i>District of Columbia;—supreme court of; charities and reformatories;—crimes and of- fenses;—municipal regulations;—poli- ce;—police court;—public health</i>).	
administrators (See <i>District of Columbia— supreme court of</i> .)	
advertisements (See <i>Advertisements</i> , in general index).	
appropriations (See <i>District of Columbia.— accounts, appropriations and revenues</i>).	
banks (See <i>District of Columbia—corpora- tions</i>).	
bonds and indebtedness (See <i>District of Columbia,—taxation;—water</i>), debt of, not to be increased, and officers aiding increase punishable therefor ..	179

	Page.		Page.
DISTRICT OF COLUMBIA—Continued.		DISTRICT OF COLUMBIA—Continued.	
bonds and indebtedness—Continued.		Hospital for Insane, who may be admitted and how.....	136, 298, 381, 382
act of legislature authorizing issue of certain bonds approved.....	24	supervision over, by Secretary of Interior sale of waste material and surplus products.....	321
bonds with interest at 3.65 per annum to be issued.....	23	District to pay half expense of indigent insane committed therefrom to hospital.....	381
to be exempt from taxation.....	24		252
faith of United States pledged for.....	24, 64	Reform School,	
registered, may be issued.....	64	how governed.....	101
in what denominations.....	95	trustees to be a corporation.....	101
interest payable at United States Treasury.....	64	one Commissioner District of Columbia to be a trustee.....	290
permanent appropriation for.....	176	officers to make report to District Commissioners.....	321
other provisions concerning.....	24	employés.....	101
bonds with interest at 5 per cent. to be issued to redeem funded debt.....	265	treasurer.....	101
repeal of former act.....	265	bond of superintendent.....	102
certain powers of board of public works repealed, and no more sewer certificates to be issued.....	24	his duties.....	102
ten-year, 3½ per cent. funding bonds to be issued.....	947	trustees to inspect his books.....	102
exempt from taxation.....	947	boys may be committed to, by courts.....	102
faith of United States pledged.....	947	by president of board of trustees.....	103
payable at United States Treasury.....	948	period of detention.....	103
proceeds to redeem bonds falling due payable in what order.....	948	commitments suspended when school is full.....	103
duties of sinking-fund commissioners transferred to United States Treasurer.....	179	enticing boys away.....	103
Treasurer United States may purchase indebtedness for sinking fund.....	322	arresting escaped boys.....	103
unexpended balances of interest and sinking fund to be consolidated.....	464	employment and apprenticing of boys.....	103
eight per cent. certificates to be destroyed.....	464	payment by District.....	103, 253, 254
appropriation for interest and sinking fund for funded indebtedness, annual appropriations for water bonds to be credited to.....	464	contracts.....	104
interest on judgments against District of Columbia to be 4 per cent.....	811	by-laws.....	104
buildings (public) (See same title in general index).		consulting trustees.....	104
building regulations (See District of Columbia,—municipal regulations).		disposition of proceeds of farm and shops.....	777
building regulations (See District of Columbia,—municipal regulations).		Girls' Reform School, corporation created.....	596
census, assessors to take.....	156	laws relating to Reform School applicable to.....	596
charities and reformatories (See District of Columbia,—Supreme court of;—police),		Industrial Home School, revenues of, how deposited in Treasury.....	476
superintendent of charities, appointment, qualifications, duties, and salary.....	778	Association for Works of Mercy, authorized to maintain, teach, and discipline girls under 18.....	630, 631
charities to be visited by the Commissioners, and receipts and expenses reported to Congress.....	464	how custody obtained.....	631
moneys appropriated for charitable associations to be placed to credit of fiscal officer and paid out by check.....	42	approval of orphans' court necessary.....	631
certain institutions not taxed.....	145, 180, 267, 328	commitment to, for offenses.....	631
certain institutions to report to Commissioners.....	note 678	discharge from.....	631
money appropriated for real estate for charitable institution to be a lien on dissolution.....	678	may be appointed guardian.....	631
expenses of maintaining institutions of charity, reformatories, and prisons to be reported to Congress.....	175	Association for Prevention of Cruelty to Animals, name changed to Humane Society.....	474
Columbia Institution for Deaf and Dumb, admissions, instructions, and support of, and report.....	792	Humane Society, operations extended to protection of children.....	474
one-half of expenses for persons from District of Columbia to be paid by District.....	698	to be aided by police.....	474
report to show employés' salaries and expenses.....	421	officer to be detailed.....	474
education of feeble-minded children.....	299, 792	agents of society may make arrest.....	474
		other powers of agents.....	474
		children brought before police court by, may be committed to orphan asylum.....	474
		Columbia Hospital, one of Commissioners to be trustee.....	290
		churches (See Corporations).	
		civil rights of citizens protected.....	67
		colored persons married according to custom, issue of, legitimate.....	215
		commissioners of deeds,	
		to be appointed by President.....	171
		terms of office.....	172
		contracts, purchases, and sales,	
		contracts for materials and labor to be separate.....	464
		contracts for cleaning streets and removing garbage may be made for 5 years.....	464
		insurance of public property may be for 5 years.....	476
		moneys retained from contractors to be paid into Treasury.....	476

	Page.
DISTRICT OF COLUMBIA—Continued.	
contracts, purchases, and sales—Cont'd.	
sale of old material.....	401
money to be paid into United States Treasury.....	678
constables,	
to take oath and give bond..... note 127, 128	
to be appointed and removed by supreme court District of Columbia ..	171
bonds to be regulated and approved by Supreme court District of Columbia ..	171
coroner's jury,	
number and pay	322
corporations,	
Protestant Episcopal churches, qualification for voting and holding office....	7
meetings of vestries.....	7
vacancies in vestries.....	7
powers of vestries.....	7
election of wardens.....	7
existing vestries confirmed.....	7
rights of associate rectors.....	7
religious societies, name of, and number of trustees.....	407
term of office of trustees.....	408
election of successors.....	408
powers as to sale of lands.....	408
powers as to mortgages of lands.....	408
societies for benevolent, literary, musical, missionary, and other purposes, and for mutual improvement, how formed.....	425, 426
corporate powers and limit of property. election of officers.....	426
sale of real estate.....	426
limit of holding real estate repealed. existing corporations to have benefit..	426
telephone companies in, how formed....	314
corporations for insuring real estate titles.....	343
number of trustees of joint stock companies.....	644
actions against, for personal injuries resulting in death.....	475
alien corporation not to hold land.....	556
National Trades Union, to file articles of incorporation.....	498
headquarters in District of Columbia. savings or other banks, to be subject to United States laws.....	109
safe deposit, trust, loan, mortgage, title insurance, security, guaranty, and indemnity corporations authorized. minimum capital.....	870
storage business.....	870
organization certificate.....	870
charter may be granted by Commissioners District of Columbia.....	870
advertisement of intention to organize. recording of charter.....	870
not to begin business until authorized by Comptroller of Currency.....	871
Comptroller may examine and take possession.....	871
corporate powers.....	871
powers when incorporated as trust companies.....	871
bonds, when may be issued.....	871
when may insure real estate titles.....	872
powers when organized as security and guaranty companies.....	872
liability as trustee.....	872
court may appoint to act in trust capacities.....	872
oath under appointment.....	872
no bond required.....	875

	Page.
DISTRICT OF COLUMBIA—Continued.	
corporations—Continued.	
safe deposit, trust, loan, mortgage, title insurance, security, guaranty, and indemnity corporations—Continued.	
but bond may be required.....	876
may require accounts.....	876
liability of company.....	872
existing companies to have benefit of act.....	872
maximum real estate.....	873
duration of charter.....	873
capital stock, how paid.....	873
deposit of securities with Comptroller. shares of stock and assessments.....	873
annual report.....	873
taxes.....	874
liability of officers for failure to report.....	874
false swearing, misappropriation.....	874
stock, how transferable.....	874
liability of stockholders.....	874
payment on stock.....	874
directors, number and qualifications.. officers.....	874
by-laws.....	875
trustees, liability for wrongful dividend and for debts of company.....	875
stockholder in fiduciary capacity, not personally liable.....	875
increase of capital.....	875
copy of incorporation certificate evidence.....	875
supreme court, District of Columbia, may examine affairs of company....	876
corporations organized under State law, when not to carry on business without compliance with this law.....	876
penalty.....	876
right of amendment reserved.....	876
courts (See <i>District of Columbia,—justices of the peace</i> ;— <i>police court</i> ;— <i>Supreme court of</i>).	
crimes and offenses (See <i>District of Columbia,—police</i> ;— <i>municipal regulations</i> ;— <i>game laws</i> ;— <i>fish laws</i> ;— <i>gas</i> ; and <i>Crimes and offenses</i> in general index).	
depreddations on fixtures in, and for entering houses in, how punished....	157, 353
embezzlement of property of District of Columbia, how punished.....	151
of property of private citizens, etc....	151
larceny and attempt to commit, a felony. stealing, injuring, etc., books, maps, etc., in Library of Congress, or any public library in; how punished.....	195, 196
book-making and pool-selling for races, etc., within a mile of Georgetown or Washington prohibited.....	900
allowing waste products to flow into Potomac River or tributaries.....	480
enticing boys from Reform School.....	103
abuse, abandonment, or employment as acrobat, beggar, or street musician of child.....	475
enticing female child to, or receiving in, house of prostitution.....	475
carnally knowing females under 16 years in, how punished.....	641
trusts, conspiracies, etc., in restraint of trade illegal, and how punished....	763
false swearing of officer of trust companies and misappropriation of funds.....	874
carrying on business of trust, etc., company unlawfully.....	876

Page.	Page.
DISTRICT OF COLUMBIA—Continued.	DISTRICT OF COLUMBIA—Continued.
crimes and offenses—Continued.	fish laws—Continued.
neglect of precautions against fire in certain buildings	shad or herring not to be sold or had in possession from June 10 to January 1.
transacting insurance business without authority	allowing waste water, etc., to flow into Potomac River to injury of
engineer intoxicated	inspection of fish offered for sale
employing nonlicensed engineers	flour, inspection of
violation of elevator rules	(See <i>District of Columbia,—public health.</i>)
sale of tobacco to minors	game laws of
policy selling or permitting houses to be used	penalties for killing certain birds, etc., at specified seasons of the year
keeping gaming house or permitting house to be used	and certain other birds at any time... ..
playing confidence game	for robbing birds' nests
convicts in, to be confined in jail, if expense of transporting to penitentiary too great	for trapping wild birds
transportation and delivery to be by warden of jail	for trespassing on another's land in hunting
term of imprisonment in workhouse or jail is shortened for good behavior	for destroying sign boards
criminal court (See <i>District of Columbia,—Supreme court of.</i>)	for shooting or carrying gun on Sunday
deeds , (See <i>District of Columbia,—real estate.</i>)	gas ,
education (See <i>District of Columbia,—charities;—schools.</i>)	standard power and purity of, penalty for supplying with less power, etc
estimates ,	inspector of meters, his appointment, salary and duties
to be annually submitted to and approved by Secretary of the Treasury	assistant inspector
to show work to be done in next year	abolished
cost of constructing and maintaining bridges	laboratory for inspection to be provided in Washington by gas-light companies
maintaining institutions of charity, reformatories, and prisons	expenses of inspection to be a charge upon the District
expenses of Washington Aqueduct	company, etc., furnishing gas may be represented at each testing
to contain amount necessary for next year for expenses of government	inspection record, and publication
estimates of expenses of water department	fees for inspection to be paid into Treasury
to be submitted to Congress with estimates for United States Government and printed in Book of Estimates	bills for, to state power and to be reduced if, below standard
to be carefully considered by Secretary of Treasury and delivered to Commissioners	meters, how tested
to be sent to Congress by Commissioners report of superintendent of charities to accompany estimates	to be inspected, proved, and sealed
to contain expenses of educating deaf and dumb	companies to remove, for test and return
to contain expenses of educating feeble-minded children	superintendent of meters, his duties, salary, etc
number of teachers required, salary, etc. refund of advances for extension of water service	inspector and assistant to give bond
and laying certain mains	price of gas
estimate by general for militia expenses to be included by Commissioners	discount on, for prompt payment
firemen, relief fund of	to be uniform to all consumers
executors (See <i>District of Columbia,—Supreme court of.</i>)	to be advanced and reduced according to price of coal
exemptions ,	right of amendment reserved
earnings for two months not over \$100 a month, exempt	gas-light company to furnish statement to Secretary of the Interior
extradition	to be furnished District government at same rate as to United States
powers of chief justice, when to devolve on senior associate	rate for light, cleaning, repair, etc., of street lamps
fish laws ,	Commissioners may fix price for lighting city lamps in Washington
fisheries in Potomac River	stoppage of, for nonpayment of bills and restriction on removal of meters
certain fishing prohibited after May 30 during fishing season, no fishing during certain period	penalties for fraudulently obtaining company to take up or lay mains on streets to be paved, as required
black bass and salmon to be taken only by angling	steam railroads to pay for lighting streets, etc., where tracks are laid
	Commissioners have power to erect lamp posts outside of city limits
	Commissioners to see that gas mains are laid before pavement
	health, public (See <i>District of Columbia,—public health.</i>)
	holidays ,
	laws fully reviewed
	February 22 included
	Inauguration Day included

	Page.
DISTRICT OF COLUMBIA—Continued.	
holidays—Continued.	
Decoration Day included.....	600
Monday, when day set apart falls on Sunday.....	331
pay to per diem employes.....	303, 486, 574
improvements, public (See <i>District of Columbia,—public improvements</i>).	
indebtedness (See <i>District of Columbia,—bonds and indebtedness</i>).	
insane (See <i>District of Columbia,—charities and reformatories</i>).	
insurance,	
regulations for doing business.....	521
of public property may be for five years.....	476
judgments,	
interest on judgments against District of Columbia to be 4 per cent.....	811
juries (See <i>District of Columbia,—Supreme court of</i>).	
justices of the peace,	
appointment.....	171
number.....	171
jurisdiction.....	171
disposition of records on termination of office.....	171
bonds to be approved by supreme court District of Columbia.....	171
liens (See <i>District of Columbia,—mechanics' liens</i>).	
Liquor licenses,	
none to be issued within a mile of Soldiers' Home.....	900
druggists not to sell liquors to be drunk on premises.....	185
marriages	
of colored persons according to custom, valid.....	215
mechanics' liens,	
real estate subject to.....	447
by whom and how asserted.....	447
limit of amount.....	447
priority of lien.....	447
how enforced.....	448
survey of lands.....	448
satisfaction.....	449
bond to discharge lien.....	449
to apply to filling lots, constructing wharves, or digging channels.....	449
on personal property.....	450
militia,	
enrollment, organization, and government.....	661-669
leaves of absence to employes of United States and District of Columbia for militia duty.....	667
estimates to be sent to Congress by Commissioners.....	669
expenses to be disbursed by Commissioners.....	669
municipal regulations (See <i>District of Columbia,—police;—crimes and offenses;—public health</i>).	
Commissioners may make building regulations.....	181
such regulations to have force of law.....	181
permits for extension beyond building lines ratified.....	925
how granted hereafter.....	925
certain buildings to have fire escapes.....	520
hallways to be lighted.....	520
other precautions against fire.....	520
penalty for violation.....	520
liability for neglect.....	520
insurance companies doing business in District of Columbia, authority and regulations.....	521
licensing of steam engineers.....	545, 546

	Page.
DISTRICT OF COLUMBIA—Continued.	
municipal regulations—Continued.	
rules as to elevators.....	567
Commissioners to make regulations relative to sale of coal in.....	181
liquor licenses within one mile of Soldiers' Home prohibited.....	900
sale of tobacco to minors under 16 years prohibited.....	889
Commissioners may make police regulations as to pawnbrokers and dealers in junk and second-hand clothing..	523
pawnbrokers to be licensed.....	699
license fee of pawnbrokers.....	699
of junk and second-hand dealers.....	910
regulations of pawnbrokers' business..	699, 700
penalty for violation.....	701
how prosecutions conducted.....	910
interest to be asked by pawnbrokers....	910
regulations for sale of second-hand property.....	910
Commissioners may make regulations for storage of inflammable substances..	523
for location and conduct of licensed vendors.....	523
for orderly disposition of vehicles in streets.....	523
for movements of vehicles on streets..	523
for location of hacks, and penalty....	175
for hack charges.....	523
for driving animals in streets.....	523
for keeping and running at large of dogs and fowls.....	523
for loud noises on streets or use of fireworks or explosives.....	523
for impounding cattle.....	268
unmuzzled and hydrophobic dogs to be killed or impounded.....	306
dogs without tags to be impounded....	197
owners of dogs liable for injuries.....	197
dangerous dogs not to run at large....	198
domestic animals at large to be impounded.....	306
policy lottery or policy shops and sale of tickets, etc., prohibited.....	158
permitting house to be used for policy lottery prohibited.....	158
keeping gaming house.....	396
permitting house to be used for gaming..	396
playing confidence game.....	396
notaries public,	
how appointed.....	171
terms of office.....	172
officers (See <i>District of Columbia,—militia;—organization and government;—police court;—Supreme court of</i>).	
executive, secretary, legislature, board of public works, and Delegate in Congress abolished.....	22
Commissioners, under temporary government.....	23
powers transferred to permanent Commissioners.....	174
engineer of Army, under temporary government, to be detailed to have care of streets, etc.....	23
Commissioners, under permanent government, appointment and salary....	174
Engineer Commissioner.....	174
pay of.....	322
when absent, who to act.....	955
may be appointed from captains in Army of fifteen years' service or officers of higher grade.....	955
two to be a quorum.....	955
one of Commissioners to be a trustee of Columbia Lying-in Asylum.....	290
of Reform School.....	290

Page.	Page.
DISTRICT OF COLUMBIA—Continued.	DISTRICT OF COLUMBIA—Continued.
officers—Continued.	organization and government—Cont'd.
assistants to Engineer Commissioner to be detailed	service of process against District of Columbia
may abolish, consolidate offices, and ad- just salaries	public records relating to property in, open to inspection free of charge ...
23, 174	216
treasurer abolished	surveyor's records to be public property ..
322	476
duties of surveyor, and compensation ...	records of corporations of Washington or Georgetown or levy court to be property of District
23	151
offices of assistant surveyor and addi- tional assistant surveyor abolished ..	punishment for stealing, secreting, etc..
23	151
surveyor's records, public property	penalty for altering, removing, etc.....
476	152
attorney for United States to return ac- counts to Attorney-General as re- quired of other district attorneys ...	oleomargarine (See <i>District of Columbia</i> ; — <i>public health</i>).
149	orphans' court (See <i>District of Columbia</i> ; — <i>Supreme court of</i>).
pay of deputy United States district at- torneys, clerks, rent, etc	partition suits ,
779	who may institute
recorder of deeds in, to be appointed with advice of Senate	court may decree sale and division
130	122
may appoint deputy, who may act in case of vacancy	in case of sale, payments, how made....
128	122
superintendent of charities	pharmacy (See <i>District of Columbia</i> ,— <i>pub- lic health</i>).
778	police (See <i>District of Columbia</i> ,— <i>municipal regulations</i> ;— <i>crimes and offenses</i> ;— <i>police court</i> ;— <i>public health</i>),
board of health abolished	board of police commissioners abolished and duties transferred to District Commissioners
179	170
health officer	police force, how constituted
179	397
sanitary inspectors	number and grades
179	397
clerks for health officer	promotions to captain, lieutenant, and sergeant to be from next lower grades
179	397
salaries of health officer and sanitary in- spectors	police men detailed as detectives
179	397
inspectors of food, fish, and streets au- thorized	six privates to be appointed from citi- zens
307	397
inspector of plumbing authorized	matrons may be appointed
314	599
collector to collect all revenue	all new appointments to be made to class one
322	253
to receipt for all taxes shown by assess- ment	Commissioners to fix pay of police
322	202
to be responsible for all taxes except what he can not collect	relief fund
322	476
in absence of collector, cashier to perform duties	to be watchful for violation of law for protection of Capitol Ground
776	350
of auditor, chief clerk to perform duties	watchmen in public squares and reserva- tions to have powers of police
776	374
assistant assessors, salary and duties ..	powers of, extended to public squares and places
931	115
dispensing clerk, pay and bond	police may arrest boys escaped from Re- form School
931	103
temporary overseers, inspectors, etc., of work on streets, etc., and how paid ..	police court
931	jurisdiction
officers and employes of District of Co- lumbia to have leave of absence on militia duty	prosecutions, how begun
667	911
temporary overseers and inspectors of work on sewers, streets, etc., how paid, etc	jury trials, when
676, 931	911
commissioners of deeds to be appointed by President	in other cases, by a judge
171	911
notaries public, how appointed	jury, how selected and how long to serve.
172	911
terms of office of notaries and commis- sioners of deeds	judgments, final, subject to exception and writ of error
172	912
relief fund of firemen	execution of sentence
477	912
of police	execution on forfeited recognizance
476	912
police and school boards abolished and duties transferred to Commissioners ..	additional judge, appointment and pow- ers
178	912
school trustees; how appointed, and their powers	judges may hold separate sessions
178	913
number reduced to nine	additional clerk and bailiff
351	913
organization and government (See <i>Dis- trict of Columbia</i> ,— <i>officers</i> ;— <i>Supreme court of</i>).	may commit child to orphan asylum, when may commit boys to Reform School
executive, secretary, legislative assem- bly, board of public works, Delegate in Congress, abolished	similar provisions for Girls' Reform School
22	596
temporary government	may commit girls to Association for Works of Mercy
22	631
commissions, of which the governor was a member, continued, etc	public health (See <i>District of Columbia</i> ,— <i>municipal regulations</i> ;— <i>officers</i>),
24	board of health abolished
act providing a permanent form of gov- ernment for	health officer and sanitary inspectors au- thorized
173-180	179
property, etc., vested in Commissioners ..	duties and salaries
173	179
seat of government to retain name, Dis- trict of Columbia	inspector of plumbing in, to be appointed
173	314
all existing laws to be applicable	plumbing regulations to be enforced by health officer
173	314
to be and remain a municipal corpora- tion	
174	

DISTRICT OF COLUMBIA—Continued.		Page.
public health—Continued.		
plumbing regulations, penalty for violation	314	
ordinances of board of health legalized.	303	
filth or other offensive substances thrown in street, a nuisance	304	
carrying offensive substances through streets	304	
accumulation of manure, offal, or garbage	304	
filling lots with offensive substances	305	
defiling waters	305	
impure waters	305	
ailantus trees	305	
inadequate sewer connections	305	
filthy water-closets	305	
improper privies	305	
removal of contents	305	
keeping hogs and other animals	305	
tanneries	305	
boiling swill and other offensive businesses	306	
slaughter houses	306	
crushing stone	306	
dead animals	306	
unmuzzled dogs	306	
nuisances, how removed	306	
domestic animals running at large	306	
inspectors of streets and foods	307	
drain pipes, when a nuisance	308	
water-closets, when a nuisance	308	
public urinals	309	
small-pox, prevention of contagion	309	
registration of vital statistics	55, 310	
transportation of dead bodies	310	
registry of physicians, midwives, sextons, and undertakers	311	
prevention of spread of scarlet fever and diphtheria, etc.	885, 886	
waste products not to run into Potomac River or tributaries	480	
Commissioners to take measures to suppress contagious or infectious disease among animals, such as pleuro-pneumonia, etc.	437	
slaughtering diseased cattle forbidden	307	
sale of unwholesome food forbidden	307	
adulterated liquor or milk	307	
offering poisonous or unwholesome food or drink for sale	307	
meat and vegetable stalls or rooms to be kept clean	307	
sale of unwholesome milk forbidden	307	
inspector of food authorized	307	
food and fish may be condemned	308	
proceedings	308	
inspection of flour manufactured in	169	
pay of inspector	170	
unmerchanted flour to be branded	170	
penalty for violation of act	170	
prevention of manufacture or sale of adulterated articles of food or drugs	627-629	
duties of health officer in relation to food and drugs to be of nature and quality demanded	628	
injurious alteration of food	628	
burden of proof	628	
purchase with warranty	628	
analysis of foods	629	
refusal to sell to health officer	629	
definitions of food and drug	629	
list of exempt articles	629	
unregistered persons not to conduct pharmacy or to compound prescriptions	183	
commissioners of pharmacy	183	
registry of pharmacists and druggists	184	
examination of applicants	184	
responsibility for adulteration	185	
retail sales of poisons	185	

DISTRICT OF COLUMBIA—Continued.		Page.
public health—Continued.		
druggist or pharmacist not to sell or give away liquors to be drunk on premises	185	
itinerant vendors of drugs to pay license	186	
penalties for violations	186	
butter and cheese made of fat, etc., to have packages stamped oleomargarine	207	
sale of, to be accompanied with label	207	
penalty for selling or having in possession, contrary to act	208	
for selling without label	208	
public improvements (See District of Columbia;—gas;—taxation;—water).		
cleaning streets, repairing sewers, etc., in, necessary municipal expenses	69	
alleyways in, how may be closed	352	
repairs of streets, alleys, etc., laying of pavements; notice to be given, and proposals how accepted, etc.	177	
contracts for laying pavements	177	
contracts for repairs of pavements may be for 5 years	597	
railways to bear part of cost of paving and sewers	177	
railways refusing to pave	178	
money retained on contracts, when to be invested, etc.	558	
sewers, sidewalks, and alleys to be improved at one-half expense to owners, etc.	776	
when necessary for health may be done by Commissioners	776	
how payable	777	
paving and curbing roadways, one-half at expense of abutters, when may be done	777	
new sidewalks, half to be charged on abutting property	931	
bathing beach, etc., in Washington	807	
separate contracts to be made for materials and labor	464	
contracts for cleaning streets and alleys and removing garbage may be for 5 years	464	
sites for school buildings, etc., and rights of way for improvements, how acquired	777	
work to be done each ensuing year to be reported to Congress	175	
public reservations (See District of Columbia, —reservations, public).		
real estate (See District of Columbia, —public improvements;—taxation;—officers).		
regulations for platting and subdividing lands in	618	
no subdivision to be recorded unless in conformity to general plan of city	618	
designation of lots to be corrected	147	
deeds, etc., in, to take effect on delivery to recorder, as against purchasers, etc., without notice	158	
recorder to note time of receipt on delivery of deeds	158	
certain acknowledgments of deeds for lands in, when taken in foreign country, made valid	244	
holding of real estate in, by aliens, prohibited	556	
by alien corporations	556	
except foreign legations, etc.	582	
partition of land, how made	121	
sites and rights of way for improvements, how acquired by Commissioners	777	
in cases of forcible entry or detainer, how summons served	577	

DISTRICT OF COLUMBIA—Continued.	
real estate—Continued.	
will may pass after acquired real estate	519
mechanics' liens	447
(See <i>District of Columbia,—mechanics' liens.</i>)	
repeal of limit to be held by corporation for mutual improvement, and other purposes	426
sale of	426
amount to be held by trust companies	873
transfer by religious societies	408
money appropriated for real estate of charitable institutions, when a lien	678
recorder of deeds (See <i>District of Columbia,—officers;—real estate.</i>)	
records, public,	
to be open to inspection free	216
surveyor's, to be property of District of Columbia	476
of Washington, Georgetown, and Levy court to belong to District of Columbia	151
punishment for stealing	151
for altering, etc.	152
Reform School (See <i>District of Columbia,—charities and reformatories.</i>)	
register of wills, (See <i>District of Columbia,—supreme court of.</i>)	
reports to Congress (See <i>District of Columbia,—estimates.</i>)	
reservations, public,	
powers of police to extend to	115
watchmen in, to have police powers	374
protection of Capitol Grounds	349
Capitol Grounds, etc., not to be used as playgrounds	100
use of reservations for childrens' playground	792
revenues (See <i>District of Columbia,—accounts, appropriations and revenues;—estimates;—taxation.</i>)	
Revised Statutes of District of Columbia,	
errors corrected in	130
provisions for publishing	20
schools (See <i>District of Columbia,—charities.</i>)	
school board abolished and powers transferred to Commissioners	178
school trustees, appointment and powers	178
number reduced to nine	351
teachers of schools, salaries to be same for males and females	932
to be estimated for	932
study of effects of alcoholic, etc., drinks compulsory	492
ordnance stores, etc., may be lent to high school	955
school sites to be purchased without employing agents	677
sites for school houses, how acquired by condemnation	777
plans, etc., for school buildings, how prepared	777
inspector of buildings in, to have control of repairs, etc., of school buildings	253
duties of janitors of school buildings	477
sinking fund, duties of Commissioners transferred to United States Treasurer	179
(See <i>District of Columbia,—taxation;—water.</i>)	
street railways,	
to pave between tracks and 2 feet beyond kind of pavement	177
on refusal to pave	178

DISTRICT OF COLUMBIA—Continued.	
street railways—Continued.	
pavement at street-crossings	178
may be run by electricity or cables	677
grooved rails to be used	677
Commissioners to relay rails on neglect of company	677
companies changing power may issue stock	778
if stock issued, must dispense with horses	778
certain companies must use improved power	779
Supreme court of	
jurisdiction of	130
one justice may hold criminal term	130
proceedings where judges divided in general term	130, 220
criminal court to have jurisdiction of crimes and misdemeanors not triable in other courts	38
certain powers of other United States courts conferred on courts in District of Columbia	38
may appoint and remove constables	171
may fix bond of justices of the peace and constables	171
additional justice of, authorized	220
two a quorum of general term	220
justice not to sit in general term on appeal from his own decision	220
two terms of circuit court may be held at once	220
justice holding criminal term may hold circuit court	41
justice holding circuit court may try criminal cases	291
general term may regulate period and number of special terms	651
juries, service within a year a cause of challenge	291
if jurors drawn do not serve, names to be returned to box	292
qualification of jurors	651
terms of service of jurors	651
jurors, how drawn	651
how notified	651
exempt for one year after service	651
not to serve two consecutive terms	652
court may designate persons to make jury lists	652
additional jurors	652
completion of panel	652
additional criers authorized	350
powers of chief justice in extradition cases to devolve on senior associate	409
foreign executors and administrators may sue in	548
records of wills to be prima facie evidence	596
clerk to pay fees into Treasury over \$3,500	421
appeals and writs of error to Supreme Court of United States	485
appeals to supreme court of District of Columbia from police court	912
powers over trust companies	876
not to extend to funds or property outside of District of Columbia or belonging to persons or corporations so resident	876
orphans' court may appoint Association for Works of Mercy guardian	631
constables in, to take oath and give bond	note 127, 128
to be appointed and removed by supreme court District of Columbia	171

	Page.
DISTRICT OF COLUMBIA—Continued.	
register of wills to prepare papers in connection with enlistment of indigent boys in Navy without pay	931
coroner's jury, number and pay	322
earnings for two months, not exceeding \$100 a month, of residents of, exempt from execution, etc.	196
partition suits, who may institute	121
court may decree sale and division of proceeds	122
in case of sale, payments, how made	122
mechanics' lien law	447, 449
issue of colored persons married according to custom may take and transmit property by inheritance, etc., in	215
civil rights	67
no bonds by executors, when testator so requests	519
except to secure payment of debts	519
when additional bond required	519
will pass after acquired real estate, when summonses, how served in cases of forcible entry and detainer	597
interest on judgments against District of Columbia to be 4 per cent.	811
service of process against	23
taxation (See <i>District of Columbia,—real estate</i>),	
one-half of expenses to be raised by taxation; balance to be appropriated by Congress	176
taxes not to be hypothecated	175
limit of taxation on real estate	176
on agricultural lands outside of cities	176
on personal property	176
interest on taxes to be 10 per cent. per annum	264
exemption of Corcoran Art Building, free libraries, churches, and Soldiers' Home	145
reformatories, public charities, and cemeteries	145
property exempt by United States laws	145
personal property of residents taxed elsewhere	145
personal property not over \$500	145
church property in, relieved from certain taxation, and from sale of property for taxes heretofore	267
orphan asylums in, not to be taxed, etc. of collegiate establishments	328
regulations as to payment of taxes may be made by Commissioners	176
purchase of funded debt for sinking fund	322
collector of taxes to receipt for taxes to give notice of readiness to receive taxes	322
all taxes to be paid into Treasury	176
when taxes payable	156
no deduction for payments in advance	415
may refund certain improvement assessments, correct errors, etc.	166
reduction of certain assessments on real estate and drawbacks	note 642
claims upon certain certificates, scrip, or stock to be audited	743
collection of taxes in arrears, and proceedings for sale of property	142
penalty for delinquency	142
advertisement and sale of property for taxes in arrears	142
certificate and deed to purchaser	143
effect of deed	143
enforcement of lien and redemption	143
purchaser to have deed in 2 years	519

	Page.
DISTRICT OF COLUMBIA—Continued.	
taxation—Continued.	
deed to give good and valid title	520
list of taxes in arrears to be prepared in July	709
notice and sale of such property	709
distress for personal taxes	144
assessment of personal taxes	145
taxation of corporations	146
goods brought in for auction sales	146
list to be kept of land sold and collector to give certificates of tax liens	216
collector to furnish certificate of taxes due on any lot, and omitted taxes to cease to be a lien thereon	216
assessment of personal property	145
assessment of real property, date	146, 156
to be made every 3 years	413
to be in name of owner	413
maps, etc., to be furnished assessors	413
and to be made by the foot and by the acre and from actual view	413
returns of assessors	413
neglect of duty	414
correction of errors	414
valuation of real property not before taxed and of new buildings	414
omitted property	415
powers of assessors	415
three assistant assessors authorized	931
assessors to take census	156
fees and costs for distress of personal property to be paid into Treasury	144, 676
law levying certain license taxes, etc., in, repealed	111
real estate agents not to pay tax on business	522
dogs in, tax on, and other provisions respecting	197
time, standard, of seventy-fifth meridian adopted	423
tobacco, sale of, to minors prohibited	889
water (see <i>District of Columbia,—public improvements</i>);— taxation),	
water service in, to be under control of Commissioners	264, 351
may be extended through District	477
water-main taxes and water rents to be uniform	264
fiscal year of water service	351
laws of city of Washington relating to water taxes, etc., extended over District	111
expenses for extension of water supply, one-half to be charged to capital account and interest charged	358
surplus water rents to be credited to this account	358
estimate for refund in twenty-five installments to be reported to Congress	464
surplus water rents to be paid into Treasury after debt extinguished	358
Commissioners may lay water mains and pipes, fire plugs, and hydrants	758
water mains to be laid before paving	178
appropriations for water bonds to be deposited, how	464
funded debt of District of Columbia may be purchased for sinking fund for water bonds	351
estimates to cover refunds on account of 48-inch mains in twenty-five annual installments	932
expenses of Washington Aqueduct to be referred to Congress	175

	Page.		Page.
DISTRICT OF COLUMBIA —Continued.		EIGHT HOUR LAW,	
water—Continued.		to be enforced in Government Printing Of-	
flow of, in public buildings, when to be		fice	582
cut off	420	applicable to letter-carriers	857
wills (See <i>District of Columbia</i> ,— <i>Supreme</i>		ELECTIONS,	
<i>court of</i>).		for Representatives need not be at uniform	
witnesses		time in certain States	76
before committees of House residing in,		regulations as to contested	553
to be paid only \$2 per day	100	time limited for taking testimony	69
DISTRICTS (Judicial) (See <i>Circuit courts</i> ;		force at navy yards not to be increased	
<i>District courts</i> ; <i>Judicial Districts</i>).		within sixty days before	109
DISTRICTS (Land) (See <i>Land Districts</i>).		ELECTORS,	
DOCUMENTS (Public),		of President, Vice-President; provisions for	
usual number to be printed	387	meeting, voting, return, and count-	
to be furnished at cost, etc.	311	ing votes	525-527
members of Congress may have, bound at		when to meet, vote, make returns, etc.	525
Government Printing Office ... 149, 382,	421	ELECTRIC LIGHTS,	
may be sold at cost	311, 575	in District of Columbia, wires of, not to be	
statement of sales of, to be kept by Secre-		above streets, etc.	597
tary of Interior and reported	575	ELEVATORS,	
may be sent free by mail by Vice Pres-		in District of Columbia, rules as to, may	
ident, Senators, Representatives,		be made by Commissioners	567
etc.	70, 136, 150, 245	EMBEZZLEMENT,	
sent through mails by members of Congress		of public property deemed felony, how	
after expiration of term	245	punished	88
to be furnished to Soldiers' Homes	315	receivers and concealers of property em-	
DOGS,		bezzled, how punished	89
tax on, and other provisions respecting, in		may be tried before or after conviction	
District of Columbia	197-198, 306	of principal	89
DOMESTIC ANIMALS,		of pensions by guardians, etc.	893
provisions respecting going at large in Dis-		by officers of the United States, how pun-	
trict of Columbia	197-198, 306	ished	213
DRAWBACKS,		by internal-revenue officers	213
on materials used in repair of vessels	858	in District of Columbia of property of Dis-	
on bituminous coal used for fuel on ves-		trict, etc., of private citizens, etc.,	
sels	note 495	how punished	151
on foreign materials used for building ves-		EMIGRANTS (See <i>Immigration</i>),	
sels on foreign account	443	the "passenger act" of 1882	363-369
on exportation of imported material	862	to apply to emigrants from United States ..	369
none on fermented liquor exported	759	alien contract labor act	note 479
on stills exported	236	ENGINEERS,	
on tobacco, snuff, and cigars when ex-		aliens who have declared intention of be-	
ported	240	coming citizens may be licensed to	
how paid	240	serve as, on steam vessels	8
not to be paid until certain certificates		in <i>Army</i> , law for promotion of, above rank	
are furnished	240	of colonel, restored	271
on spirits, etc., exported	287, 288	may be detailed for service under Mis-	
on export of manufactures made in part of		sissippi River Commission	269
wood, when imported material ex-		on duty on public works, mileage of ...	803
ceeds half value	279	assigned to District government ... 23, 174,	322
cans filled with domestic products entitled		in <i>Navy</i> , may be detailed as professors in	
to, on export when imported material		colleges, etc.	221
exceeds 70 per cent	279	cadets, to be appointed by Secretary of	
DRUGGISTS, etc.,		<i>Navy</i> , not exceeding twenty-five an-	
not required to affix stamps to medical		nually	37
preparations	405	course of instruction of	4
regulations as to the practice of pharmacy		assistant and passed assistant; title of ..	4
in District of Columbia	183-186	pensions to assistant, passed assistant,	
DRUGS,		according to relative rank	148
act to prevent manufacture and sale of		ENGRAVINGS, (See <i>Bureau of Engraving</i>	
adulterated	627-629	and <i>Printing</i>),	
DUPLICATES,		may be furnished to certain public officers	
of lost or stolen check, how obtained	475	by Bureau of Engraving and Printing	
DUTIES (on imports) (See <i>Customs, Im-</i>		on order of Secretary of Treasury ...	275
ports; <i>Tariff</i>).		what may be entered with Librarian of	
(Tariff act of 1890 alphabetically indexed		Congress for copyright	15
under <i>Tariff of 1890</i> .)		with Commissioner of Patents	16
discriminating on goods imported in for-		ENLISTMENT (Navy),	
eign vessels	860	number of men and boys	263
repeal of discriminating duties on goods		of minors, not without consent of parents ..	263
from east of Cape of Good Hope	389	what persons are prohibited from	263
EGYPT,		penalty for enlisting prohibited persons ..	263
E.		discharge and return of enlisted men	94
jurisdiction of consular courts in, may be		ENROLLMENT (of vessels),	
suspended, etc., local law accepted		canal boats and boats on inland waters and	
for United States citizens	6	canals of State exempt from	8

	Page.
ENROLLMENT (of vessels) —Continued.	
of vessels on western, northern, etc., waters, how issued or renewed in districts where not owned	8
vessels not propelled by sail or internal motive power not required to pay fee certain barges, flatboats, etc., not required to have	271
ENTOMOLOGY,	
work on, to be under Department of Agriculture	271
ENVELOPES (postal),	
post-office stamped envelopes to contain no printing except request to return ... restriction as to sale of, by postmasters and others	299
official penalty, to be provided for departments	110, 187
and for all officers of the government ...	136
return envelopes may be used	467, 468
penalty for using, on private business ..	468
EQUALITY OF RIGHTS,	
all persons to have, in inns, public conveyances, theaters, and places of public amusement	136
penalty and actions for violation of	67
jurisdiction of courts	67
district attorneys, marshals, and commissioners to institute proceedings against persons violating	68
jurors not to be excluded on account of race or color	68
Supreme Court may review all cases under act without regard to amount in controversy	68
ERROR (writs of),	
from Supreme Court of United States... note	901
ESTIMATES (for appropriations),	
to be furnished by October 1, and what to be included in Book of	72
all to be transmitted through Secretary of Treasury	470
claims allowed to be reported by Secretary of Treasury	470
to contain number of persons employed on public buildings	562
to show expenditure for repairs and preservation of public buildings	791
for Geological Survey to be itemized	563
for revenue-cutter service, with number of officers, etc	697
for customs service	375
by Commissioners of District of Columbia. (See <i>District of Columbia, Estimates.</i>)	175
for expenses of national loan	18
for Navy to be classified	317
for National Home for Disabled Volunteers, how made, etc	72, 251
superintendent of Insane Hospital to report to Congress	290
to show persons employed in Columbia Institution for Deaf and Dumb	792
to be furnished by Territorial secretaries ..	17
EVIDENCE (See <i>Witnesses</i>),	
what is prima facie, of wrongfully failing to enter into contract for carrying the mail by bidders	118
what is prima facie, of washing, restoring, etc., stamps	243
defendants in criminal cases may be witnesses	155
laws printed at Government Printing Office to be prima facie	22
Revised Statutes, first edition, to be	22
second edition, how far to be	134, 153
Supplement to Revised Statutes to be prima facie, of laws therein contained .. notes	312

	Page.
EVIDENCE —Continued.	
claimants can give, in Court of Claims ...	403, 561
EXAMINERS,	
of national banks, occasional, their compensation	64
(See <i>National banks.</i>)	
EXECUTIVE DEPARTMENTS (See <i>Departments, Executive; and the several departments.</i>)	
EXECUTORS,	
in District of Columbia when not required to give bond	519
foreign may sue in	548
(See <i>District of Columbia—Supreme Court of.</i>)	
EXEMPTION (from execution),	
of earnings of residents of District of Columbia to extent of \$100 a month ...	196
EXPORTS (See <i>Distilled spirits; Tobacco</i>),	
of pork, bacon, etc., to be inspected ...	794-797
inspection of cattle intended for	937-939
Secretary of Treasury to take measures to prevent export of diseased live stock ..	436
rules for humane treatment of cattle exported to be made	908
export stamps	13, 288
manufactured articles made in part of wood entitled to drawback when imported material exceeds half value	279
cans filled with domestic products entitled to drawback when imported material exceeds 70 per cent	279
domestic spirits may be manufactured free for export	858
metals imported for refining and export ..	861
drawback on imported material for export ..	862
of tobacco, snuff, and cigars ... 240, note	385, 386
to have export stamp	385, 386
may be removed from warehouse for export without payment of tax	385, 386
bonds to be canceled on export	391
exportation declaration	754
distilled spirits withdrawn from warehouse, etc., for export	12, 140, 236, 275
drawback on stills exported	236
EXPRESS COMPANIES,	
facts concerning, to be included in census	note 259, 658, 779
EXTRA COMPENSATION,	
not to be received by certain officers and employes	17, 18
Senate employes not to receive	376
not to be paid for compiling Biennial Register	376
not to be paid from appropriations for Agricultural Department	481
to printers for work Sundays, holidays, and nights	notes 303, 391
EXTRADITION,	
in Indian Territory	738
under treaties, cases to be heard publicly ..	371
subpoenas, witnesses, cost, and repeal of former law	372
power of Chief Justice Supreme Court of District of Columbia to devolve in his absence on senior associate	409
F.	
FALSE VOUCHER,	
penalties for presenting in Indian service	note 31, 81, 450, 451
FEEs,	
Sergeants-at-Arms of Senate and House not to receive	16
for passports	582
in General Land Office	582

	Page.
FEES—Continued.	
of Librarian of Congress for recording, and for copies of copyrights	15, 952
of Commissioner of Patents for recording prints or labels	16
of clerks, marshals, and attorneys, only when court is open for business, etc.	564
no docket fees for commissioner of courts. none to clerks and marshals for arrest of persons under recognizance	513
of officers of courts in Arizona and New Mexico to be double	564
marshals and district attorneys in New Mexico and Arizona, maximum fixed at \$6,000	383
of judicial officers in Utah Territory	764
of clerks of Supreme Court and supreme court of District of Columbia, and how accounted for, etc.	51
of registers and receivers in certain cases. limit of amount to be retained by	421
for plats of townships for private parties and not to be taken as part of maximum pay	313
under Indian allotment laws to be paid from Treasury	563
in timber-culture cases	402
of agents for paying pensions	534
of attorneys for pension claimants	940
(See <i>Pensions</i> .)	
of examining surgeon of pensioners	note 451, 482
canal boats and boats on inland waters and canals of States exempt from	451, 761, 933
of shipping commissioners	8
certain shipping fees abolished	note 493, 583
(See <i>Navigation</i> .)	
collectors, customs officers, inspectors, and shipping commissioners to be paid from Treasury in lieu of abolished fees	492, 583
certain, to be paid by owners, etc., of vessels in domestic commerce reduced and abolished	493
consular fees for services to American vessels or seamen abolished	465
payment from Treasury	442
certificate to be furnished by master	443
for commissioners for issuing warrants	513
certain, in customs business, abolished and other compensation established	753
FERMENTED LIQUOR (See <i>Internal revenue; Breweries</i>),	
tax on, not to be assessed on quantity of materials used, etc.	104
bottling from unstamped packages prohibited	758
in brewery, etc., prohibited	758
withdrawal by pipe, etc., to other building permitted	758
tax payable on withdrawal	758
disposal of cancelled stamps	759
violation of laws and regulations	759
may be exported in bond free of tax	759
no drawback of tax on, when exported	note 759
FINES, PENALTIES, AND FORFEITURES (See <i>Crimes and offenses; and District of Columbia,—crimes and offenses</i>),	
Secretary of Treasury to report amount received as, and how expended	297
incurred under laws relating to life-saving service, loss of vessels at sea, etc.	30
how may be prosecuted or remitted	30
for fraudulently obtaining gas in District of Columbia	55
under customs laws, not to be compromised, abated, etc., by public officers	35

	Page.
FINES, PENALTIES, AND FORFEITURES—Continued.	
under customs laws—Continued.	
not to apply to judges and district attorneys for discontinuing proceedings to obtain testimony of accomplices	59
not to be incurred unless intent to defraud is found	34, 35
how remitted by summary proceedings in court	35
by Secretary of Treasury	35
under laws relating to vessels or seamen, how remitted	445, 495
suits for, under customs laws, to be commenced within three years, except, etc.	35
vessels used by common carriers not to be forfeited for violation of revenue laws, etc., committed without privity of owner or master	315
for selling flour in District of Columbia without inspection	170
FIRE ESCAPES,	
in District of Columbia, certain buildings to have	520
FIRST ASSISTANT POSTMASTER-GENERAL,	
may approve postmasters' bonds	135
FISCAL YEAR,	
of Treasury to commence July 1	877
to extend to July 3 for accounts of Senate and House	877
FISH AND FISHERIES,	
commissioner, appointment and salary of. to make detailed report of expenses of propagation of food fishes	577
assistant commissioner	563
detail of officers and men from Revenue Marine for	421
provision for protection of salmon in Alaska	486
taking of seal in Behring Sea prohibited	701
reports on, to be printed, etc.	701
vessels for, on same footing with Coast Survey	328
in Potomac River, in District of Columbia, regulated	289
shad and herring not to be sold in District of Columbia from June 10 to January 1	279, 280
inspection of fish in District of Columbia. mackerel caught between March 1 and June 1 not to be imported	280
fishing leases to include prohibition	308
treaty provisions with Great Britain terminated	548
proceedings when American vessels are denied rights in British dominions of North America	548
fishways, when to be constructed	422
duplicate specimens to be distributed by Commission to colleges, etc.	555
tariff on fish (See <i>Tariff of 1890</i>).	610
FLORIDA,	
northern and southern judicial districts in	382
circuit and district courts to be held at Tampa	214
Tampa, a port of entry	214, 500
a collection district	547
Tampa and Key West, to be ports of entry and delivery, with privileges of immediate transportation act	652
life-saving stations on coast of	516, 711
superintendents for	28
public lands in, to be disposed of at public sale	29
	109

	Page.		Page.
FLORIDA —Continued.		FREE OF DUTY (See <i>Tariff; Tariff of 1809</i>).	
private land claims in, when recognized by Supreme Court, certificates for...	209	certain products of the Hawaiian or Sandwich Islands.....	120, 910
certificates may be subdivided, are assignable and receivable for preemption and homestead claims.....	209, 210	FRENCH SPOILIATIONS (See <i>Court of Claims</i>), claims to be investigated.....	171, 172
provisions to apply to indemnity certificates under act of 1858.....	210	awards to be to next of kin instead of assignees in bankruptcy.....	925
FLOUR (in District of Columbia),		to be paid only on certificates that next of kin are represented.....	925
inspection of.....	169	FRUIT DISTILLERS ,	
pay of inspector.....	170	exempt from certain assessments.....	235
unmerchtable flour to be branded, etc....	170	provisions for warehousing fruit brandy.....	139, 632
penalties for violation of act.....	170		
FOLDING BOOKS, ETC. ,		G.	
price to be paid for folding books, Daily Record of Congress, and speeches ..	409	GALLON ,	
FOOD , (See <i>Agriculture, Secretary of; District of Columbia,—public health; Oleomargarine; Teas</i>).		as used in internal-revenue laws, defined ..	243
act to prevent manufacture and sale of adulterated, in District of Columbia.....	627-629	GAME ,	
FORAGE (Army),		in district of Columbia, act regulating killing of.....	182
may be furnished to certain officers in kind.....	189	GAMING ,	
no discrimination to be made against officers east of Mississippi River	318	provisions for suppression of, in District of Columbia.....	158, 396, 900
in Marine Corps, no commutation of.....	473	gaming table defined.....	397
FOREIGN RELATIONS (See <i>Consuls and consulates; Diplomatic Officers</i>),		GAS (in District of Columbia),	
meaning of words "minister" and "consul" in laws respecting.....	97	standard power and purity of, penalty for supplying with less power, etc.....	52
time of transit allowed diplomatic and consular officers.....	13	inspector of meters, his appointment, salary and duties.....	52
laws extended to Tripoli, Tunisia, Morocco, Muscat, and Samoan or Navigator Islands.....	180	assistant inspector.....	52
consuls therein invested with certain judicial powers.....	181	abolished.....	351
extended to other countries with which like treaties may be made.....	181	laboratory for inspection to be provided in Washington by gas-light companies.....	52
salaries of ministers, consuls, commercial agents, clerks, marshals, interpreters, etc., established.....	13, 93, 209	company, etc., furnishing gas may be represented at each testing.....	52
quarterly statement to be made by consuls of exports and imports, with market price of articles, etc.....	209	inspection, record, and publication.....	52
information as to rate of wages, etc., to be transmitted by consuls and consular agents.....	209, 592	fees for inspection to be paid into Treasury inspection to be a charge on District government.....	597, 202
FOREIGN VESSELS		bills for, to state power and to be reduced if, below standard.....	53
discriminating duty on.....	860	meters, how tested.....	53
when not to apply.....	860	to be inspected, proved, and sealed.....	53
importation in, forbidden, when.....	860	companies to remove, for test and return.....	53
when not to apply.....	860	superintendent of, his salary, etc.....	115, 381
FOREST RESERVATION ,		inspector to give bond.....	53
may be made by President.....	note 947	price of.....	54
FORNICATION ,		to be uniform to all customers.....	55
how punished.....	568	discount on, for prompt payment.....	54
with females under 16 in District of Columbia.....	641	to be advanced and reduced according to price of coal.....	54
FORTS (See <i>Military posts</i>).		gas-light company to furnish statement to Secretary of Interior.....	54
FRACTIONAL CURRENCY ,		to be furnished District government at same rate as to United States.....	54
to be withdrawn on issue of silver coin therefor.....	98, 99	rate for light, cleaning, repair, etc., of street lamps.....	54
silver to be issued in redemption of.....	264	stoppage of, for nonpayment of bills and restriction on removal of meters....	54
legal-tender notes received in exchange for, to be issued.....	267	penalties for fraudulently obtaining.....	55
to be redeemed in any money in the Treasury.....	267	GAUGERS ,	
when redeemed to be destroyed.....	125	customs, three to be appointed for port of Philadelphia.....	90
RAUDS ,		internal-revenue, number and pay of.....	200, 267, 484, 485
to investigate pension, pay of clerks.....	73	duties of, and of storekeepers may be united in one office.....	120
in Indian service.....	note 31	may be suspended from duty by Commissioner.....	119
REEDMEN'S HOSPITAL ,		to receive pay only when in actual service.....	119
in District of Columbia, to be under Secretary of Interior.....	43	may be transferred by Commissioner	223
		GENERAL APPRAISERS (of Customs) (See <i>Customs</i>),	
		nine to be appointed.....	750
		board of, at New York.....	750
		duties, decisions, and appeals from.....	750-753

	Page.		Page.
GENERAL LAND OFFICE (See <i>Lands, Public</i>),		GOVERNMENT PRINTING OFFICE—	
fees for copies of papers in	582	Continued.	
not to be demanded of public officers,	582	standard of paper for, to be fixed by Joint	
nor for unverified copies	582	Committee on Public Printing, etc.	97
receiving clerk to be appointed	582	pay of printers and binders at	129
GENERAL-ORDER WAREHOUSES,		on Sundays, holidays and nights	note 303, 391
to be near landings	36	on night work	note 934
to be subject to regulations of Secretary of		leaves of absence at	410, note 499, 600
Treasury	36	binding at; what may be done and how	
GEOLOGICAL SURVEY,		executed	149, 201
Director of, appointment, etc., certain sur-		restrictions as to, not to apply to library	
veys discontinued	251	of Patent Office	221
to employ professional experts with ap-		nor to Surgeon-General's office	209
proval of Secretary of Interior	469	American Ephemeris and Nautical Almanac	
estimates of, to be itemized	563	to be printed at	303
investigations relating to arid lands and		how distributed	303
irrigation	note 626	proceeds of sale of, how disposed of	303
reports of expenses of	698	estimates for printing to be made and cost	
collections from, to be deposited in National		charged to departments, etc.	201, 202
Museum	252	three clerks may be employed therefor.	202
distribution and sale of publications	252, 575	employés of, to have certain holidays with	
archives, etc., of Indians to be turned over		pay	note 210, 303
to Smithsonian Institution	252	leaves of absence of	note 499
two officers of Army to be detailed to	298	certain public documents to be sold at, for	
GEORGIA,		cost, etc.	311
northern judicial district; divisions and		GRASSHOPPERS,	
terms of courts	276, 643, 650, 954	settlers on public lands injured by, granted	
a judge, clerk, district attorney and mar-		extension of privileges	note 272, 273
shal for each district in	note 336	GREENHOUSES (public),	
southern judicial district, divided into		what trees may be propagated at, in Wash-	
eastern and western divisions	276	ington	202
no additional clerk or marshal	277		
circuit court to be held at Macon	277	H.	
suits, in which division to be brought ..	277	HABEAS CORPUS.	
issues of fact, where to be tried	277	appeal to supreme court in cases of	485
prosecutions for offenses, where to be		HARBORS (See <i>Rivers and Harbors</i>),	
commenced	277	lines to be established by Secretary of War	
removal of suits from State courts, to		which division	514, 515, 803
residence of jurors	277	obstructions to navigation in	514, 594, 801-803
processes from either division may be		shipping statistics to be furnished where	
served in the other	277	public works are carried on	895
Atlanta, a port of entry, with privilege of		of New York, anchorage grounds in, how	
immediate transportation, etc.	318	regulated	586
Savannah and Brunswick ports of deliv-		dumping ground	594, 595
ery with immediate transportation		line officer of Navy to be supervisor of	595
privileges	294	report of engineers on work of improve-	
Brunswick district to include Sapelo		ments in, when to be made and	
River, Sound, and Island	632	printed	610
GOLD (See <i>Coin</i>),		HAWAIIAN ISLANDS,	
charge for coining repealed	58	certain products of, admitted free of duty	121, 910
how may be transferred from bullion fund		HAZING,	
and applied to redemption of coin		at Military Academy, cadet dismissed, not	
certificates, or in exchange for coin ..	40	to be reappointed	424
exchange of bars for coin authorized	927	at Naval Academy, how punished	41
superintendents of mints and assayers may		HEADSTONES,	
be authorized to receive deposits of		for graves of soldiers in private cemeteries	
gold and issue certificates	173	may be erected by Secretary of War	214
counterfeiting coin or bars, how punished.	128	HEALTH,	
three and one dollar pieces not to be		National board of, established	261
coined	807	members, meetings, etc	261
certificates in exchange for coin	356	Secretary of Navy may place hulks or	
GOVERNMENT PRINTING OFFICE		vessels at disposal of	273
(See <i>Public Printer</i>),		duties to be confined to cholera, small-	
accommodation for	note 793, 794	pox, and yellow fever	380
Public Printer to be appointed by Presi-		records to be stored in office of Surgeon-	
dent with advice of Senate	114	General, U. S. Army	697
his title, powers, and bond	114, 119	Board of, in District of Columbia, abol-	
to employ only skilled workmen	114	ished; duties transferred to health	
proposals, and award of contract to lowest		officer	179
bidders	114	(See <i>District of Columbia, Public health.</i>)	
advertisement for proposals to be published	97	health officer, District of Columbia,	
materials for, may be purchased in certain		duties of, as to vital statistics	55, 310
cases without advertising	151, 389	in relation to adulterated food or drugs	629
eight-hour law to be enforced in	note 583	to enforce plumbing regulations	314
		ordinances of board of, legalized	302
		provisions of	303-311

HERRING OR SHAD (See <i>District of Columbia, Fish laws</i>), not to be sold or had in possession in District of Columbia from June 10 to January 1.....	280
HISTORICAL MANUSCRIPTS. commission to report on.....	564
HOLIDAYS, PUBLIC, in District of Columbia, laws fully reviewed..... note 210, 211, 231, 592, 600	
February 22.....	211
Inauguration Day.....	592
Decoration Day.....	600
Monday, when day fixed falls on Sunday.....	331
pay to employes of Government Printing Office.....	303
pay to per diem employes throughout the United States.....	486, 574
HOME FOR DISABLED VOLUNTEERS, laws fully reviewed..... note 71	71
not to have fines and forfeitures.....	71
no money for, except by annual appropriations.....	72
estimates, how made.....	72, 627
to be itemized.....	251, 513
money, how drawn.....	72
accounts to be rendered to Secretary of War with vouchers.....	72
expenses to be reported to Congress through Secretary of War.....	486
directly to Congress by Board of Managers.....	563
accounts to be audited by accounting officers.....	563
supervised by Secretary of War.....	928
disbursements subject to law.....	563
balances to be carried to surplus fund.....	627
purchases to be after advertisement.....	251
expenditures for new buildings.....	251
bonds to be exacted from depositories.....	501
headstones at Central Branch.....	268
supplying public documents.....	315
payment of pensions.....	381
admission of inmates to Hospital for Insane.....	382
extension of classes to be admitted.....	463
no person in liquor traffic to be employed.....	564
furnishing obsolete cannon.....	640
reduced railroad rates not forbidden.....	691
aid to State homes.....	617
limited.....	698
managers increased.....	553, 956
Western Branch authorized.....	462
Pacific Branch authorized.....	553
Marion, Ind., Branch authorized.....	599
Soldiers' Home in District of Columbia..... note 410, 411	
HOMESTEAD (See <i>Lands, Public</i>). laws to apply to Oklahoma, except.....	729
notice of contests, how published.....	169
entries of, within railway grants to extend to 160 acres.....	257
additional entries over 80 acres previously made.....	257
additional patented without cost.....	491
occupants must have cultivated one year provisions applied to Missouri and Arkansas.....	271
notice to be filed of intention to make final proof for, and proceedings thereon.....	258, 684
odd sections of lands granted to railroads in Missouri and Arkansas open to settlers to extent of 160 acres, etc.....	271
settlers becoming insane, how claims perfected.....	291
persons who have paid fees, etc., for soldiers' and sailors' homesteads proved	

HOMESTEAD—Continued. void, to have money returned.....	300
when claimant files relinquishment of his claim, lands open to entry.....	282
in case of cancellation of entry, contestants to be notified.....	282
time allowed to settlers on public lands, surveyed or unsurveyed, to file applications for.....	282
settlers whose lands are injured by grasshoppers, may be absent one year.....	272
homestead entry may be made notwithstanding prior unperfected entry.....	682
preemption may be changed to.....	683
entries for less than quarter section may be enlarged without further proof if new entry contiguous.....	683
residence required if not contiguous.....	683
entries for, on lands granted to railroads perfected and other lands selected by companies.....	38
unrecorded entries on railroad lands, titles, how perfected.....	791
entries may be made on forfeited railroad lands.....	808
time extended for, on forfeited land of railroads.....	894
purchasers of swamp lands in Missouri to have priority of, if lands not in fact swamp.....	67
certain Indians may have benefit of.....	78
not to alienate same.....	78
entries by, heretofore made confirmed.....	78
entries of lands for, within limits of land grants before notice of withdrawal, etc., confirmed.....	99
claims abandoned on account of decision of land office may be renewed.....	99
entered after expiration of land grant may be renewed.....	99
who entitled to make entries.....	682, 683, 942
affidavit.....	942
fees.....	943
entry may be commuted after fourteen months' residence.....	943
applicable to Sioux reservation..... note 943	
patent, when to issue.....	943
proof of residence, occupancy, etc., and oath of persons making entries for, before whom may be taken.....	148, 292
to be transmitted to register.....	148
punishment for false swearing.....	148
leave of absence on account of crop failures, how granted.....	683
settlers allowed additional time for climatic reasons to commence residence.....	327
certain lands open to.....	626
HORSES (See <i>Army, —contracts and expenditures</i>), lost in military service to be paid for, if claims for, although they were bought in insurrectionary States, etc.....	37
if lost through necessity of service.....	37
time for filing claims extended.....	390, 615
HOSPITAL CORPS (Army), of what to consist.....	549
to be appointed by Secretary of War and attached to Medical Department.....	549
HOSPITAL FOR INSANE (Government) (See <i>Insane</i>), to be under Secretary of Interior.....	321
who may be admitted to.....	298
insane convicts, how may be transferred to.....	47, 382
insane persons from National Soldiers' Home.....	381
from Soldiers' Home at Washington.....	469

	Page.		Page.
HOSPITAL FOR INSANE —Continued.		IDAHO —Continued.	
District of Columbia to pay half expense of insane committed therefrom	252	a judicial district—Continued.	
indigent insane, how admitted	136	judge, attorney, marshal, and clerks... note	767
salary of superintendent	321	term of courts	767
insane patients from marine service, how admitted to	94, 298	jurisdiction	767
surplus products and waste material of, may be sold	381	powers, duties, and fees of officers	767
HOSPITALS (Marine) (See <i>Marine hospitals</i>).		United States laws and existing Territorial laws to be in force, except, etc.	767
HOURS OF LABOR , in departments not less than 7 hours required	409	representation in Congress	767, 888
may be regulated by heads	409, note 410	Oneida land district in	215
HOUSE OF REPRESENTATIVES (See <i>Congress; Joint Committees</i>).		timber on mineral lands in, may be cut for certain domestic purposes	166, 167
journal of, to be printed and distributed..	634	desert lands in, may be reclaimed and purchased by citizens	note 137, 940
Clerk may sign certificates for pay during recess	119	ILLINOIS ,	
to furnish certain documents to soldiers' homes	315	Springfield land district abolished	115
use of horses and wagons for mail service for, to be let to the lowest bidder	925	provisions concerning judicial districts, courts, etc	552, 606, 764
terms of election of not changed in certain States	76	Chicago, Cairo, Alton, and Quincy, ports of immediate transportation	294
actions against officers of	76	Rock Island, a port of immediate transportation	805
in contested-election cases Clerk to open depositions before meeting of Congress	69	Cairo a port of delivery	799
time for taking testimony in, limited	69	Peoria	809
allowance to contestants, etc., for seats in, limited	252	salary of collector at Chicago	412
act in relation to contested elections	553, 554	IMMEDIATE DELIVERY (See <i>Postal Service,—Post-offices</i>),	
vouchers to be filed	252	of letters and other postal matter	484, 511, 512
testimony how filed, opened, and printed.	553	part paid letter to be delivered	638
testimony and briefs to be laid before committee and furnished parties	554	IMMEDIATE TRANSPORTATION ,	
printing of briefs	554	of dutiable goods in bond	293, 294, 297, 318, 447, note 540, 541
members whose seats are contested not to be omitted from pay-roll	74	ports entitled to privileges of entry for	293
witnesses before committees of, when residing in District of Columbia, pay of	100	additional ports	note 293
monuments to be erected to deceased members interred in Congressional Cemetery	104, 105	ports entitled to privilege of delivery by	294
Architect of Capitol to have control of machinery, employes, etc., for heating and lighting, etc	136, 320	additional ports	note 294
number and pay of folders of documents	409	record to be kept	293
sale of waste paper of	382	examination and appraisal	293
committee on pensions may have detail of clerks from Interior Department	470	invoices in quadruplicate	293
committee clerks to have pay from time of entering upon duties	516	by whom to be transported	293
HOWARD UNIVERSITY ,		how to be transferred	447
report of expenditure of appropriation to be made	927	how to be transported	340
		passengers' baggage entitled	540
		bulky merchandise	540
		no transshipments except	540
		to apply only to articles subject to specific duties	541
		vessels laden with bulky articles, how may proceed	446
		privileges lost if merchandise landed 10 days	294
		lien on imported goods	295
		IMMIGRATION ,	
		from China, Japan, and other Oriental countries,	
		consular officer to ascertain whether emigrants have contracted to service for immoral purposes	87
		transportation of subjects without free consent, how punished	87
		contracts for term of service void	87
		importation of women for purposes of prostitution; penalty	87
		contracting to supply labor of cooly, etc., in violation of law, how punished ..	87
		inspection of vessel	87
		return of forbidden persons	88
		from China, suspended for 10 years	458
		penalty for violation	458
		exemptions	458
		certificates from Chinese Government ..	459
		identification of laborers	458
		definition of laborer	461
		certificate for return	459
		penalty for altering certificate	342

	Page.
IMMIGRATION—Continued.	
from China, list of passengers to be delivered to collector on arrival	460
collector to make comparisons	42
forfeiture and penalties for violation	460, 461
no entry without certificate	460
removal, if without certificate	461
not to apply to Chinese officials	461
no more certificates to be issued	625
absent Chinese not to return	625
in general,	
of alien convicts and women for prostitution forbidden	87
vessels to be inspected when obnoxious immigrants are believed to be on board, etc.	87
aliens of forbidden classes not to land, except, etc.	88
may be sent back	88
forfeiture of vessels for violations of provisions relating to	88
passenger act of 1882; immigrants to be provided with compartments and other conveniences	363-369
copy of act to be posted	367
explosives, etc., not to be carried on vessels with	367
on arrival no person allowed on board of vessel except	367
lists of passengers, with deaths, to be delivered customs officer	367, 368
death of, at sea, master to pay \$10 to collector	368
inspection and examination of vessels	368
act to apply to vessels carrying emigrants from United States	369
their clearance, etc.	369
regulation of	370
duty of 50 cents on aliens	370
to be paid into Treasury	370
expenditure of, limited	370
examination and condition of passengers	370
convicts landing to be returned	370, 371
contracts with States as to immigrants	370
of aliens, etc., under contract of labor prohibited	479
contracts void	479
penalty for violation	479
certain exceptions	480
law to be executed by Secretary of Treasury	541
may contract with State officers	541
examination of vessels	541
Secretary of Treasury to prescribe rules	542
prohibited persons to be returned	542
contract laborers to be returned	633
allowance to informer	633
amendatory act	note 934-937
idiots, insane, paupers, diseased, convicts, and polygamists not admitted	934
assisted immigrants not admitted	934
exceptions	934
certain professional persons exempted	935
compromise of suits, etc., for violation of act not permitted	934
promise of employment by advertisements unlawful, and immigrants so induced not admissible, except, etc.	935
soliciting immigrants forbidden	935
penalties for violation of provisions respecting	935
superintendent of, appointment, salary, and duties	935
chief clerk of	935
two other clerks	935
immigrants to be inspected on arrival ..	936

	Page.
IMMIGRATION—Continued.	
in general, medical examination of	936
how cared for	936
decisions of inspectors revocable only by superintendent and Secretary of Treasury	935
officers and agents of vessels to prevent landing before inspection	936
rules of inspection on land borders	936
inspectors to be appointed	936
duties of	936
jurisdiction of State authorities to preserve peace, etc., extended to immigrant stations	936
illegal immigrants to be returned, etc. ..	87, 542, 633, 936, 937
jurisdiction of circuit and district courts under act	937
IMPORTS (See Customs; Tariff), (The rates of duty are fully indexed under <i>Tariff of 1890.</i>)	
of materials for shipbuilding	858
of materials in bond for manufactures of spirits for export	858
of machinery for repair	860
of domestic articles subject to internal-revenue tax	861
in foreign vessels, when not prohibited ..	860, 861
of adulterated food and drink and diseased cattle prohibited	795, 796
of certain animals, except at quarantine ports, prohibited	796
of animals to be inspected	797
of neat cattle, when forbidden	861
warehouses for cleaning and storing imported rice for exportation may be established	6
mackerel caught in close season not to be imported	548
act to simplify laws relating to customs revenue	744-756
consignee for assessment of duties, to be considered as owned by	542, 744
from wrecked vessels to be considered as owned by salvors	542, 756
importers to make invoice to accompany all importations	745
or affidavit in certain cases, showing cost. may be examined, required to produce letters, books, etc.	746
failing to produce letters, etc., can not thereafter avoid penalty by production	746
periodicals, how declared	746
declaration accompanying invoice	746
penalty for false statement	748
additions to invoice to raise to market value	748
consignments for sale, how declared	748
defrauding or attempting to defraud by false invoices, forfeitures, etc.	749
not to forfeit entire invoice on account of undervaluation of single items	749
omitting to add market value, cost of packing, etc., to invoices; proceedings thereon	749
appraisal	749
proceedings to correct appraisal	750, 754
proceedings for relief of, for fines incurred	34
settlements of duties without fraud or protest conclusive after one year	35
suits for penalties and forfeitures against, to be commenced within three years ..	35
separate entry of packages may be made in certain cases	100
oath of consignees or agent in such cases ..	101

	Page.		Page.
IMPORTS—Continued.		INDIANS AND INDIAN SERVICE—	
imported liquors to pay internal-revenue tax in addition to duty; stamps for same, etc	236	Continued.	
to be placed in public stores, gauged, marked, etc	236	barracks may be set aside for training schools, etc	362
scraps, cuttings, etc., of tobacco may be transferred to manufacturers without payment of internal-revenue tax ..	236	appropriations for supplies to be distributed so as to prevent deficiencies ..	80
immediate transportation of dutiable goods in bond	293	not to be exceeded in any one year ..	80
(See <i>Immediate transportation.</i>)		but contracts may be made in spring, subject to future appropriations ..	928
of adulterated and spurious teas prohibited provisions concerning	398	statement of items of expenditures to be laid before Congress annually	80
	399	consolidation and abolition of agencies ..	343
IMPROVEMENTS,		report of Commissioner of Indian Affairs to be laid before Congress	80
made by occupants of lands under color of title adjudged invalid, remedies for, in Federal courts	10	Secretary of Interior may purchase articles made at Indian training schools	282
INDIANA,		limitation of annual expenditures at Indian agencies not to apply to sums paid teachers and Indians	282
circuit and district courts to be held at Fort Wayne	327	not to be granted permits to go to Texas, committing offenses, to what laws subject	482, 483
clerks and marshals to perform duties at courts at Fort Wayne, appoint deputies, etc	327	marriage between Indians and white persons, effect of, on tribal relations and citizenship	608
circuit and district courts to be held at Evansville	46	evidence	608
branch of National Home for Disabled Volunteers, in Grant County	599	crimes against police, United States, etc., to be tried in district courts	554, 589
Indianapolis made a port of delivery, with privileges of immediate transportation ..	328	certain native-born Indians to have benefit of homestead laws	78
surveyor for	328	not to alienate same	78
land office in, abolished	115	interest of, in tribal property	78
INDIANS AND INDIAN SERVICE,		entries of homestead by, heretofore made, confirmed	78
Indian commission, duties restricted	343	sale of cattle of Indians to others not of the same tribe, prohibited	450
allotment of lands in severalty to .. notes 534-537		selling, giving, etc., liquor to Indians, by persons in army, how punished	78, 450
children of those taking lands in severalty not excluded from appropriations ..	928	homestead laws applicable to	450
patents may be surrendered and other lands allotted	635	lands held in trust	450
three inspectors only to be appointed .. note 79		land-service expenses not to be chargeable to Indian lands	451
need not inspect agencies twice a year ..	79	Bible may be taught in schools of ..	595
appointment of Indian traders, and regulations by Commissioner	121, 362	Treasurer of United States to have custody of trust funds	105, 279
wagon transportation may be performed by Indian labor, and storehouses hired ..	134	to collect interest and pay to Secretary of Interior	105, 279
advertisement for contracts involving more than \$2,000	134	purchases and sales to be made by	105
certain Peoria Indians declared citizens ..	738	agents, statutes, etc., to be furnished to ..	343
Indian scouts to be employed, and appropriate number of officers	118	to make rolls of those entitled to supplies, and how to distribute	79
to have pay for use of horses	118	to hold office 4 years	343
preference to be given to employment of ..	343	fixed salaries of, repealed .. note 450	
bidders on account of Indian service in amounts exceeding \$5,000 to accompany bids with certified checks	80	special to have traveling expenses	450
disposition of such checks	81	employés of, amount allowed for	79
employés of United States not to be interested in Indian contracts	31	Indians to be employed	79
proposals and bids in contracts for, to be preserved and abstracts filed with Second Comptroller	121	not deemed employés	282
estimates for appropriations for, how presented	121	oath to accounts of	79
copies of contracts for, to be furnished Second Auditor	80	increase of employés of, how obtained ..	80
required to perform service on reservations, for themselves or tribe	79	sureties on bonds of, to file statement of property	81
may be exempted by Secretary of Interior	79	allotment agreements with, not changed by other legislation .. note 943	
no payment to be made to Indians at war with United States	79	to keep book of expenditures, etc., and forward transcripts to Commissioner ..	81
per diem of clerks detailed for special duty	343	penalty for failing to keep books	81
superintendent of schools	698	INDIAN DEPREDAATIONS (see Court of Claims),	
traveling expenses .. note 928		claims arising from, to be investigated by Court of Claims	913
		how paid	915, 916
		INDIAN LANDS AND RESERVATIONS,	
		allotments of, in severalty to Indians, additional provisions .. notes 534-537	
		timber depredations on, how punished .. note 897, 898	588

	Page.
INDIAN LANDS AND RESERVATIONS—Continued.	
proceeds of timber cut from, to be covered into Treasury	416
may be used by Secretary of Interior	554
expense of land service not to be charged to dead timber may be cut from	451
	645
INDIAN SERVICE (See <i>Indians and Indian Service</i>).	
INDIAN TERRITORY,	
boundaries defined	671, 731
parts of, annexed to Kansas and Texas for judicial purposes	389, 390, 674
Oklahoma created out of	720-731
crimes of Indians committed in, how punished	482
stealing, robbery, and burglary in	578
offenses against United States officers in	589
marshals may enter, to execute process	588
United States court established in	670
officers of	671
terms, procedure, etc.	672-674
additional crimes in	674-676
railroad crossings in, provided for	881-883
INDICTMENTS, etc.,	
defendants on trial of, may be witnesses ..	155
for offenses not capital, except, etc., not to be found after 3 years	98
INFECTIOUS DISEASES (See <i>Contagious diseases; Health; National Board of Health; District of Columbia; public health</i>),	
provisions to prevent introduction of, into United States	157
vessels from infected ports, or with infected passengers, etc., subject to State quarantine laws	157
INFORMERS,	
of violations of customs laws not to have moieties, but allowed compensation ..	32
claims of, where judicial proceedings are instituted, to be certified by court ..	32
where no judicial proceedings, to be proved to Secretary of Treasury	32
officers prohibited from receiving part of fees of	33
may be witnesses, although claiming compensation	33
INHERITANCE,	
by issue of colored persons in District of Columbia, married according to custom ..	215
INSANE,	
convicts may be transferred to Government Hospital for	47, 382
Attorney-General may contract with State asylums for care of	47
restored to sanity to be returned to prison ..	47
seamen in Marine-Hospital Service may be admitted to Government Hospital for ..	94
of vessels foreign or those not subject to hospital dues may be admitted on terms	95
homestead and preëemption settlers becoming, how claims may be perfected ..	291
Government Hospital for, who may be admitted to	298
salary of superintendent	321
indigent persons, how admitted	136
District to pay half expense	252
INSPECTION,	
act for inspection of meats for export, and prohibiting importation of adulterated food and drink	794-797
of cattle intended for export	937-939
of immigrants	934-937
of cattle intended for interstate commerce	938

	Page.
INSPECTION—Continued.	
regulations for	938
transportation of cattle declared unsound prohibited	938
farmers exempt from provision of, unless meat is sent to canning establishments ..	939
INSPECTOR-GENERAL (Army),	
to rank as brigadier-general	473
department of, to have what officers	473
to visit military prison annually	888
expert accountant for	note 896
INSPECTORS,	
of coal mines in territories	948-950
INSPECTORS (customs),	
employed at night, how paid	292, 441
Secretary of Treasury may appoint, at compensation of less than \$3 a day	321
INSPECTORS (Indian),	
to be only three	note 79
need not inspect agencies twice a year ..	79
INSPECTORS (Internal-Revenue),	
may be transferred by Commissioner	223
INSPECTOR OF GAS (in District of Columbia),	
appointment, powers, and duties	52
INSPECTOR OF BULLS AND BOILERS,	
at Duluth, Minn	517
INSURANCE,	
facts concerning companies to be included in census	260
act to regulate, in District of Columbia ..	521
INTERIOR, DEPARTMENT OF THE (See <i>Interior, Secretary of the; Indians; Lands, public; Pensions</i>),	
commissions of officers of, to be made out, recorded, etc., in	78
clerk of, to act as disbursing clerk for Capitol extension and improvements ..	251
office of Commissioner of Railroads established as a bureau in	194, 320
office of Director Geological Survey established in	251
INTERIOR, SECRETARY OF THE,	
commissions of officers under, to be made out, etc., in Interior Department ..	78
assistant may sign patents	note 579
to approve plans and estimates for public buildings before money expended ..	74
to report sales of public documents	575
may transfer insane convicts to hospital on application of Attorney-General ..	47, 382
may convey certain low lands in city of Washington	272
to have supervisory power over trust funds in custody of U. S. Treasurer	101
to settle, etc., land grants to railroads ..	564-567
to prescribe rules for agents and attorneys ..	453
may use money in Treasury from sale of timber	554
Indian service (See <i>Indians and Indian service</i>).	
duties of, in relation to allotment of lands to Indians	notes 534-537
may exempt particular tribes, etc., from requirement to labor to extent of supplies distributed	79
custody, etc., of Indian trust funds transferred from, to Treasurer	105
may deposit Indian trust funds in Treasury	279
to cause appropriation for Indian supplies to be so distributed as to prevent deficiencies	80
to lay before Congress annually statement of items of expenditures for Indian service	80

	Page.		Page.
INTERIOR, SECRETARY OF THE—		INTERNAL REVENUE—Continued.	
Continued.		officers of—Continued.	
Indian service—Continued.		collectors to give bonds, and when re-	
may purchase articles made at Indian		quired to renew bonds	222
training schools	282	bonds of, to be filed with First Com-	
to prescribe rules for Indians to acquire		troller	222
homesteads in public lands	78	to act as disbursing agents	222
charged with duty of administering law for		who to act in absence or disability of,	
appropriations from proceeds of pub-		or in case of vacancy	232
lic lands to agricultural colleges	550-552	bond of, liable for deputy acting as col-	
Public lands service (See <i>Public lands</i>),		lectors	223
to refund fees received for soldiers' and		deputy's bond available to collectors'	
sailors' homestead entries which		representatives	223
proved void	300	and revenue agents to see that laws	
where entries of public lands are can-		are enforced	223
celed or not confirmed	301	to report delinquencies to Commis-	
excess where parties have paid double		sioner	223
price for what were erroneously sup-		may administer oaths, etc.	224
posed to be alternate railroad sec-		deputy collectors, their appointment and	
tions	301	compensation	224
to make rules as to cutting timber from		collector's salary in lieu of commissions.	224
mineral lands for domestic purposes,		collector may revoke appointment of	
etc	166	deputies, require bonds; action on	
penalties for violation of	167	bonds	224
to make rules to carry into effect priority		deputy collector's authority and respon-	
provisions to enter for homestead,		sibility	225
etc., of lands in Missouri not in fact		collectors to have certain allowances for	
swamp	67	expenses, etc	225
respecting filing notice, etc., of intention		total compensation of, limited	225
to make final proof of preëmption		not entitled to salary unless confirmed	
entries	258	by Senate	225
INTERNAL REVENUE,		collector not to issue receipts in lieu of	
act of 1875 amending laws	60	stamps	226
act of 1879 amending laws	221	fermented liquor may be exported without	
assessment and collections	225	tax	759
special taxes	228	no drawback on export of	759
distilled spirits	230	assessment and collection,	
imported liquor stamps, etc	236	annual returns of persons liable to taxa-	
act of 1880 amending laws	284	tion	225, 226
act of 1883 abolishing and reducing taxes.	404	when may be made by deputy collector.	226
act of 1890 reducing taxes and amending		in case of absence of person, deputy col-	
laws	862	lector to leave notice, etc	226
officers of (See <i>Collectors</i>),		proceedings in case of neglect to make	
special agents	223, 468, 485	returns, or of making false returns.	226
number and pay of officers limited	484, 485	collector may examine persons and pa-	
embezzlement by officers of; how pun-		pers	226
ished	213	penalties added to tax may be collected	
deputy collectors	224, 225	after tax is paid	226
collectors may have allowance for ex-		taxes to be a lien on all property of per-	
penditures, etc	225	son assessed	226
total compensation of	225	proceedings for seizure and sale of real	
not entitled to salary unless, etc	225	estate for taxes	226, 227
laws imposing penalties on officers; to		purchases for United States	227
what officers to apply	61	adjournment of sale	227
supervisors of, abolished and powers		deeds, certificates, etc., of purchasers for	
transferred to Commissioner and		United States to be sent to Commis-	
collectors	119	sioner	227
suspension of collectors by Commissioner		fees of district attorneys for preparing	
to be reported to President	119	deeds, etc	227
duties of storekeeper and gauger may be		record of sales	227
united in one officer	120	collector to keep, and transmit copy to	
pay of gaugers	119, 200	Commissioner	228
when gaugers and storekeepers to receive		deputy to return statement to collec-	
pay	119	tor, etc	228
pay of storekeeper at small distilleries		to be delivered to successor of collec-	
and of storekeeper and gauger	267	tor, etc	228
of storekeeper or storekeeper and		copy of, to be evidence	228
gauger at small distilleries	484	Commissioner to have charge of real es-	
Commissioner may transfer inspector,		tate acquired by United States	228
gauger, or storekeeper, etc	223	may sell or lease same	228
collectors, their deputies or employés,		to release on payment of debt	228
issuing stamps before payment,		special taxes (See <i>Special Taxes; Taxes</i>),	
guilty of misdemeanor, etc	221	no special tax on sales of spirits, etc., by	
clerks of circuit and district courts to		fiduciary, officers of court, etc., re-	
make quarterly reports to Commis-		tying partner, etc., nor wholesale	
sioner of money paid in suits on		tax on sales of entire stock by retail	
collectors' bonds	221	dealer	228, 229

INTERNAL REVENUE—Continued.	Page.
special taxes—Continued.	
and rectifiers and dealers may purchase in such case less than 20 gallons.....	229
rectifiers of less than 500 barrels a year to pay tax of \$100.....	229
on whom assessed, rate, etc.....	229
on oleomargarine.....	505
special tax stamps may be issued to retail dealers in liquors and tobacco on railway trains.....	124
special tax not payable by vintners, who sell wine of their own growth.....	230
or manufacturers who sell wine where made, etc.....	230
or by apothecaries, in certain cases.....	230
distilled spirits (See Distilled Spirits),	
accidentally destroyed, tax not to be remitted when fully insured.....	228
tax on distilled spirits.....	70, 78
bonded warehouses, etc., for grape brandy (See Brandy).....	139
Secretary of Treasury may permit colleges, etc., to withdraw alcohol for scientific purposes without tax.....	159
to prescribe rules as to allowance for leakage of spirits removed for export-survey of distilleries, estimate of capacity, resurveys, when may be made, etc.....	230
penalty on distiller for obstructing officer in examinations, and for refusing to draw off water in tub, etc.....	231
repeal of, on dealers in and manufacturers of tobacco.....	862
to date from July 1 and become payable returns, when to be rendered by tax-payers.....	869
repeal of existing laws not to be retroactive.....	869
distillers of 30 gallons or less may be exempt from certain obligations.....	231
withdrawal from warehouse on payment tax of.....	232
entry therefor.....	232
storekeeper to keep warehouse books and make returns.....	232
rectifiers to make returns.....	233
punishment for fraud committed or attempted by, and for aiding same.....	233
and wholesale liquor dealers to return monthly to collectors transcripts of their books.....	233
penalty on rectifiers, liquor dealers, etc., for carrying on business without license, and forfeiture of spirits, etc.....	60
penalty on rectifiers, liquor dealers, etc., for affixing imitation stamps on packages of distilled spirits.....	61
packages of spirits filled on premises of wholesale dealer to be stamped under regulations of Commissioner.....	120
distillery apparatus when seized may be destroyed in certain cases.....	233
witnesses of destruction, report; estimate of value, etc.....	234
owner of, may be reimbursed in certain cases on application within one year.....	234
officer liable on his bond for wrongful seizure.....	234
when spirits are sold for taxes thereon, and are of so low proof as to be of less value than tax, same may be restamped according to proof gallons.....	234
allowance in collectors' accounts.....	234
duty of officer making sale.....	234

INTERNAL REVENUE—Continued.	Page.
distilled spirits—Continued.	
punishment for making, selling, using, etc., false or counterfeit stamps or dies, removing stamps, etc.....	235
assessments for deficient production of distillery in excess of capacity may be remitted in certain cases.....	235
distillers of fruit exempt from assessment for deficient production.....	235
tax on spirits accidentally destroyed by fire not to be collected, and if collected to be refunded in certain cases.....	235
rectifiers to give notice of intent to rectify marshals may arrest persons operating illicit distillery.....	235
condition of distillers' transportation bond for spirits withdrawn for export packages in bond for export may be changed.....	236
penalties on brewers extended to any acts required by law.....	236
drawback of tax on stills exported.....	236
distillers' bond, penal sum; how limited. in lieu of owner's consent, may be given notwithstanding increase of distillery.....	284
emptying and filling tubs at distilleries. entry of spirits removed to distillery warehouse.....	285
what to specify.....	285
bond required.....	285
disposition of entries.....	285
new bond may be required in case of death, insolvency, etc.....	285
failure to give new bond.....	286
excessive loss of spirits in warehouses; tax to be collected, and spirits withdrawn.....	286
tax on spirits in distillery to be paid within 3 years of entry.....	286
entry for withdrawal of spirits to specify number of packages and other facts. drawing off, gauging, marking, and removal of spirits to distillery warehouse.....	286
serial numbers.....	287
form of stamp.....	287
fermenting period, when deemed to commence.....	287
deficiency of spirits not to be assessed in case of casualty.....	287
spirits exported in casks or packages of any size, entitled to drawback.....	287
may be withdrawn from warehouse in packages of any size.....	287
distilled spirits for manufacture of preparations for export may be withdrawn from distillery warehouse without tax.....	288, 858
allowance for leakage and loss during transportation from distillery warehouse to manufactory warehouse.....	288
spirits withdrawn from distillery or bonded warehouse may be regauged.....	288, 289
allowance for leakage.....	289
computation of proof of spirits.....	289
manufacture of wooden stills by registered distillers for their own use not subject to special tax.....	289
imported liquors (See Distilled Spirits),	
to be placed in public stores, inspected, and stamped.....	236
forfeited if found without stamps.....	236
casks of, when filled on premises of wholesale dealer to have special stamp affixed.....	236

	Page.
INTERNAL REVENUE—Continued.	
imported liquors—Continued.	
stamps, etc., on packages to be defaced when liquor is drawn off, and casks, etc., not to be filled.....	236
penalties for not effacing stamps on emptying packages.....	237
for dealing in or using empty packages, etc.....	237
vinegar (See Vinegar),	
in apparatus for manufacture of, contrivance by which vapor can be converted into spirits not to be used.....	231
factory not permitted near distillery.....	231
manufacturers of, may separate alcoholic property from mash, etc.....	231
not to remove, etc., with over 2 per cent. alcohol.....	231
examination of vinegar manufactories; powers of officers to be same as for distilleries.....	231
factories for manufacture of vinegar established before March, 1879, within 600 feet of distillery, may be operated under regulations.....	266
fermented or malt liquors (See Fermented liquors),	
tax not to be assessed on quantity of materials used, etc.....	104
tobacco and snuff (See Tobacco; Cigars), taxes reduced.....	864
not to be sold except in or from authorized packages.....	864
record of manufacturers to be kept by collectors.....	864
factories to be numbered.....	865
manufacturers to furnish statement to collector before commencing business.....	237
to give bond.....	237
additional sureties may be required of, to obtain certificate of collectors and post same.....	238
penalty for neglect and for manufacturing without giving bond.....	238
dealers in leaf tobacco to keep certain books, under penalty for neglect.....	238
packages of different kinds, how to be put up.....	238
label on packages.....	405
fine-cut, shorts, etc., may be sold in bulk between manufacturers and for export without payment of tax....	238, 239
assessment of tax on, when removed without use of stamps.....	239
previous notice to show cause to be given.....	239
imported scraps, cuttings, etc., may be transferred to manufacturers without payment of internal-revenue tax.	239
dealers in leaf, manufacturers and peddlers, to register.....	862
peddlers' statement and bond by.....	863
to be furnished collector.....	863
certificate, how obtained and when to be exhibited, etc.....	863
records of manufacturers.....	864
farmers and growers, restrictions repealed.....	863
to furnish statement of sales.....	863
penalty for refusal.....	863
drawback on, when exported.....	240
when and how to be paid.....	240
and cigars to be free of tax for export.....	385, 391
export stamp on.....	385
tax on tobacco reimported.....	848

	Page.
INTERNAL REVENUE—Continued.	
tobacco and snuff—Continued.	
manufacturers of tobacco removing same for export may give transportation bond instead of export bond.....	61
proceedings therefor and on export bond subsequently.....	62
fraudulently claiming drawback on manufactured tobacco.....	62
tax on tobacco and snuff.....	864
cigars (See Cigars and Cigarettes),	
bond of manufacturers of, not to be conditioned to employ only registered makers.....	240
assessment of tax when removed without stamps.....	239
drawback, when exported.....	240
to have label and notice on boxes, and penalty for neglect.....	240
how packed.....	864
sample boxes.....	864
record of cigar-makers.....	865
factories to be numbered.....	865
bond of manufacturer reduced.....	865
removal without boxing, stamping, etc., forfeiture and penalty.....	241
penalty for packing in boxes having false or fraudulent stamps, removing stamps, using removed stamps, etc..	241
exported, exempt from tax.....	241
bonds given for withdrawal of tobacco, snuff, and cigars, for export; when and how may be canceled.....	61, 386, 391
export stamp on.....	385
amount of tax.....	405
cigarettes (See Cigars and Cigarettes),	
how to be put up and sold.....	864
penalty for packing or selling otherwise.	864
amount of tax.....	405
stamps (See Stamps),	
redemption of, and refund for those spoiled, rendered useless, etc., and when tax is excessive, or wrongfully collected.....	241
no allowance for, unless claim presented to commissioner, etc.....	241, 242
penalties for counterfeiting or fraudulently using, dies, etc.....	242
for other offenses relating to.....	242
prima facie evidence of making, etc..	243
Commissioner may change form of, etc..	243
affixing imitation stamps on distilled liquors.....	
on oleomargarine.....	507, 508
brewers' stamps, how procured, affixed, and canceled.....	93
penalty for neglect.....	93
stamps to be transmitted to officers through mail in registered packages.....	119
stamps for restamping packages of liquor, tobacco, cigars, snuff, etc., when originals are destroyed.....	233
collectors to account for tax-paid stamps, receive commission, etc.....	288
to make returns.....	288
how charged with other stamps, reports, and books.....	288
export stamps; how charged and amount due collected.....	13, 288
drawbacks (See Drawback),	
on stills.....	236
on tobacco, snuff, and cigars.....	240
spirits.....	287, 288
on fermented liquor.....	759
(See Stamps.)	
oleomargarine,	
definitions of butter and oleomargarine.....	505

	Page.
INTERNAL REVENUE—Continued.	
oleomargarine—Continued.	
special taxes.....	505
penalties.....	506
manufacturers to file notices.....	506
to keep books.....	866
how to be packed.....	506
penalty.....	506
label.....	507
penalty.....	507
tax.....	507
stamps.....	507
penalty.....	507
imported oleomargarine, tax on.....	507
duty on.....	831
when to be stamped.....	507
penalties.....	508
purchasing, not stamped.....	508
from manufacturer who has not paid.....	
special tax.....	508
stamps to be destroyed.....	508
inspection of oleomargarine.....	508
penalties for not stamping or removing.....	
stamps.....	508
export regulations.....	509
penalty for defrauding.....	509
for not complying with regulations.....	509
recovery of fines.....	509
regulations to be made by Commissioner.....	509
stock on hand.....	509
in District of Columbia.....	207
opium,	
tax on manufactured opium for smoking.....	865
manufacture by aliens prohibited.....	865
regulations for factories.....	865
bond of manufacturers.....	865
stamps, import and internal revenue, to.....	
be affixed.....	865
to be governed by tobacco stamp laws.....	866
penalty for violation of law.....	866
wines,	
producer who is a distiller may use.....	
wine spirits for fortifying sweet.....	
wines tax free.....	866
definition of sweet wines.....	866
producers of sweet wines may withdraw.....	
wine spirits from warehouse free.....	867
use of wine spirits for fortifying sweet.....	
wines limited to vineyard.....	867
withdrawal of wine spirits for fortifying.....	
wines for exportation.....	867
re-importation of domestic.....	868
recovery of wine spirits from.....	868
wine spirits,	
for fortifying sweet wines, tax free.....	866
definition of.....	866
penalty for unlawful use.....	866
free withdrawal from warehouse for.....	
sweet wines.....	867
free use limited to vineyard.....	867
withdrawal for fortifying for export.....	867
place of withdrawal.....	868
penalty for illegal use.....	868
recovery of, from wines.....	868
bank tax,	
10 per cent. tax on notes used for circula-.....	
tion except national-bank notes.....	61
returns required therefor.....	61
tax to apply to evidences of indebtedness.....	96
not to be assessed on banks ceasing to do.....	
business in case of insolvency in cer-.....	
tain cases.....	243
on capital and deposits repealed.....	404

INTERPRETERS,	
of consulates in China and Japan, appoint-.....	
ment and salary.....	13, 479
consul not allowed salary of interpreter.....	479
salary of, to legations and consulates.....	note 209

	Page.
INTERSTATE COMMERCE	
act relating to.....	529
amending.....	684-691
Commission, appointment, powers and du-.....	
ties.....	532, 533
to investigate business of common car-.....	
riers.....	891, 892
duties of in relation to telegraph lines of.....	
subsidized railroads.....	603, 604
detailed statement of expenditure and of.....	
employés.....	627
expenses of, to be audited.....	698
intoxicating liquors taken into any State to.....	
be subject to laws thereof.....	779
trusts regulated.....	762
bridges under State legislation.....	802
INTERSTATE COMMERCE COMMIS- SIONERS,	
appointment, term of office, etc.....	531, 627
certain persons not eligible.....	531
petitions to as to violations of law.....	531, 603
investigations by, when and how to be.....	
made.....	531
proceedings thereon.....	532
written reports thereof.....	687
reports from common carriers to.....	532, 533
may prescribe uniform system of accounts.....	
for common carriers.....	533
duties of, under act to regulate commerce.....	529-531
under amendments to act.....	684-687
reports and decisions may be printed, etc.....	688
prima facie evidence of facts.....	688
proceedings by, in courts.....	688, 689
rules, quorum, etc.....	690
powers to compel witnesses.....	891
votes and acts of, to be recorded.....	690
expenses.....	690
annual report to Congress.....	690
duties in regard to telegraphs.....	603, 604
to report expenditures and employés.....	627
expenses to be audited by accounting.....	
officers.....	698
to have privileges of Congressional Library.....	884
INVOICES AND INVENTORIES,	
secretaries of legation and messenger at.....	
Paris to have allowance from fees.....	
collected for transmission of.....	note 13
required in civil suits under revenue laws;.....	
how obtained.....	32
failure to produce.....	32
examination; when produced.....	33
custody of, by owner or agent.....	33
quadruple of merchandise intended for in-.....	
land transportation in bond.....	293
of imported merchandise.....	745, 747
INVOLUNTARY SERVITUDE,	
bringing into country persons with intent.....	
to hold to, causing persons to be.....	
sold into, etc.; how punished.....	46
accessories.....	46
IOWA,	
judicial districts and divisions.....	note 358, 359
circuit and district courts in, when and.....	
where to be held.....	3, 290, note 359, 584, 895
laws reviewed.....	358
clerk of district court to be clerk of circuit.....	
court, except at Des Moines.....	290, 359
records of land surveys may be trans-.....	
ferred to.....	626
office of surveyor-general abolished.....	626
Sioux City a port of delivery with privil-.....	
eges of immediate transportation.....	805
certain forfeited railroad lands in, exempt.....	
from provisions allowing purchase.....	809
IRON,	
machine for testing, to be set up by Secre-.....	
tary of War for use by all persons on.....	
payment of fees.....	202

IRON—Continued.
 tests for industrial purposes continued.... 486
 for private citizens, payment may be re-
 quired in advance..... 486
 for American Society of Civil Engineers. 486

IRRIGATION,
 of arid lands to be investigated..... note 626
 report of expenses of..... 698
 provisions in relation to..... 792
 additional..... 940, 947

J.

JAPAN,
 provisions respecting immigration from
note..... 86, 87

JOINT COMMITTEE,
on library,
 to extend use of Library to Smithsonian
 Regents..... 96
 to Interstate Commerce Commission
 and Chief of Engineers, U. S. A..... 884
 Senators holding over to have powers of,
 during recess..... 416
 no room in Capitol for private works of
 art unless by permission of..... 73

on public printing,
 debates of Congress to be printed under
 direction of..... 2
 to direct Public Printer as to advertising
 for proposals for furnishing material
 for Government Printing Office..... 114
 may permit Public Printer to purchase in
 certain cases without advertising .151, 389
 to fix standard of paper for printing.... 97
 to direct advertising by Public Printer
 for proposals for paper..... 97
 may have copies of Congressional Record
 printed for sale..... 422
 to make arrangements, etc., for printing
 index to Congressional Record semi-
 monthly, and to regulate compensa-
 tion of editor of Record..... 423

JUDGES (See *the different courts*),
 may use telegraph connecting Capitol with
 departments on public business only..... 5
 salaries of all districts to be \$5,000 a year..... 896
 salaries of, payable monthly..... 320, 927
 not liable for discontinuing cases to obtain
 testimony of accomplices..... 59
 duties of, respecting the supplying lost and
 destroyed records of courts..... 211
 district, may have expenses paid while
 holding courts out of their districts..... 321
 salaries of, payable monthly..... 320, 927

JUDGE-ADVOCATE GENERAL,
of Army, department of, a consolidation
 of bureau of military justice and
 corps of judge advocates..... 457
 officers of, rank, pay, and emoluments.. 457
 acting judge advocates, how detailed.... 457
 promotions..... 457

of Navy, to be appointed from officers of
 Marine Corps..... 290
 duties..... 291

JUDGMENTS
 against United States subject to set-off... 90
 of courts of United States to be lien on
 property when they are so in State.. 602
 indexes of, be kept..... 602

JUDICIAL CIRCUITS,
 additional judge for second circuit..... 558
 when to sit in election cases..... 558
 additional judge for each..... 901

JUDICIAL DISTRICTS (See *Circuit
 courts; District courts*).
in Alabama, circuit courts in..... 38, 39, 427
in Arkansas..... 129, 497, 538, 546

JUDICIAL DISTRICTS—Continued.
in California, southern..... 513, 514
in Colorado, to constitute a district..... 106
 courts in, when and where to be held... 281
in Florida, northern and southern districts 214
in Georgia, certain counties of northern,
 transferred to southern..... 276
 southern divided into eastern and west-
 ern..... 276
 circuit court to be held at Macon..... 277
 suits, in which district to be brought... 277
 issues of fact, where to be tried..... 277
 prosecutions for offenses..... 277
 where to be commenced..... 277
 removal of suits from State courts, to
 which division..... 277
 residence of jurors..... 277
 processes from either division may be
 served in other..... 277
 certain counties transferred, etc..... note 336

in Idaho..... 767
in Iowa..... note 358, 584, 895
 times of holding courts in..... 4, note 290, 359

in Kansas, part of Indian Territory an-
 nexed to..... 389

in Louisiana, eastern and western, estab-
 lished..... 225
 provisions concerning..... 225
 terms of court in..... 225
 eastern district subdivided..... 615
 western district subdivided..... 606

in Michigan, western, to include certain
 counties before in eastern district.. 198

in Minnesota, divided into six divisions. 718, 719

in Mississippi..... note 344, 500, 547, 583, 584

in Missouri..... 543, 545, 622

in Montana..... 649

in North Carolina..... 196, 538

in North Dakota..... 649, 716

in Ohio, northern, divided into eastern
 and western divisions..... 172
 with no additional clerk or marshal.. 173
 suits, in which division to be brought. 173
 issues of fact and offenses, where to be
 tried..... 173
 processes may be executed in either
 division..... 173

southern district divided into eastern
 and western divisions..... 277
 no additional clerk or marshal..... 278
 in which divisions suits and prosecu-
 tions to be instituted..... 278
 counties transferred from northern to
 southern district..... 277
 term of circuit court at Columbus..... 277
 jurors to be residents of divisions for
 which summoned..... 173, 278
 processes from either division may be
 served in the other..... 278
 in which division cases removed from
 State courts to be entered..... 278
 Logan County, transferred to southern
 district..... 900

in South Carolina..... 718

in South Dakota..... 649, 705, 706

in Tennessee, eastern district divided
 into northern and southern divisions 295
 Grundy County transferred to middle
 district..... 471
 Fentress County transferred to southern
 division of district of East Tennessee. 471
 courts to be held at Chattanooga..... 295
 clerks, marshal, and district attorney to
 appoint deputies at Chattanooga... 295
 residence of jurors and service of process. 296
 other provisions respecting..... 296
 Perry County added to middle district.. 9

	Page.
JUDICIAL DISTRICTS—Continued.	
in Tennessee—Continued.	
Hardeman County added to eastern division of western district.....	392
western district divided into eastern and western divisions.....	202
provisions concerning.....	203, 392
in Texas..... note 217, 218, 265, 438, 674,	885
Jackson County transferred from western to eastern district.....	265
processes returnable at San Antonio instead of Brownsville from certain counties.....	266
times of holding court in..... note 217, 439, note	703
proceedings against defendants in different counties, where to be returned.....	218, 219
judge of northern district to be appointed.....	219
district attorney, marshal, clerks, and deputies.....	219
court at El Paso.....	438
Aransas County added to western district.....	297
in which divisions prosecutions for offenses to be tried.....	297, 438
part of Indian Territory annexed to.....	389
in Washington.....	649, 711
in Wyoming.....	770
JUNK DEALERS AND PAWNBROKERS,	
in District of Columbia, to be licensed, etc.....	910
JURORS,	
certain disqualifications and oaths of, repealed.....	270, note 428
not to be excluded on account of race or color.....	68, 270
how to be drawn.....	270
may be drawn from boxes used by State authorities.....	270
term of service of.....	270
of circuit and district courts may be used interchangeably.....	605
issues of fact in circuit courts may be tried by, in equity and admiralty cases..	63
per diem pay of.....	270
in Colorado.....	302
in District of Columbia, may be challenged if they have served within a year.....	291
when drawn and do not serve, their names to be returned to jury box.....	291, 292
list, qualification, drawing, term of service of, etc.....	651, 652
compensation of.....	131
in Georgia, for eastern and western divisions of southern district to be residents of division.....	277
in Indian Territory.....	673
in Michigan, for western district.....	199
in Ohio, to be residents of divisions for which summoned.....	173, 278
in Pennsylvania, to be drawn as elsewhere, repealing special provisions.....	270
in Tennessee, to be residents of division where summoned.....	296
in Utah Territory, provisions concerning.....	50
JUSTICE, DEPARTMENT OF (See Attorney-General),	
judicial commissions to be recorded in.....	605
contingent expenses to be reported in detail.....	18
JUSTICES OF PEACE,	
in District of Columbia, appointment, bond, jurisdiction, and term of office.....	171
in Territories, how appointed to fill vacancies and tenure of office in such cases.....	280
in Utah Territory, their jurisdiction, etc. appeals from.....	49

	Page.
K.	
KANSAS,	
district court to be held at Salina.....	608
elsewhere.....	744
part of Indian Territory annexed to judicial district of.....	389
surveyor-general of, abolished.....	115
western and Arkansas Valley land districts in, established.....	25
northern land district of.....	283
southwestern land district established....	326
register and receiver for.....	326
business of old district confirmed, etc....	326
military prison at Fort Leavenworth.....	9, 251
inspection of.....	887
KENTUCKY,	
terms of courts in.....	271, 607
monthly term of district court for criminal business to be held as heretofore....	271
life-saving station at Louisville.....	320
KIDNAPPING,	
knowingly bringing persons into the country with intent to hold to involuntary servitude; how punished.....	46, 47
L.	
LABOR,	
laws reviewed.....	590
Department of.....	590
Commissioner and other officers.....	590
organization and salaries.....	590
Commissioner to ascertain, what.....	591
to report on.....	591
to obtain information from abroad.....	591
annual and special reports.....	591
Bureau of Labor merged in Department..	591
boards of arbitration to settle differences between employes and railroads and other companies.....	622-625
decisions, when to be filed with Commissioner.....	623
Commissioner to be member of commission to examine.....	624
contracts with foreigners for, and importations prohibited, etc.....	479, 541, 934
(See <i>Immigration</i> .)	
contract laborers to be returned.....	633, 937
incorporation of national trades unions...	498
convict labor not to be hired out.....	539
importation of products of convict labor forbidden.....	868
labor in mines in Territories, protection of life.....	948
eight-hour law in Government Printing Office.....	582
for letter carriers.....	587
immigration of Chinese laborers forbidden. (See <i>Immigration</i> .)	625
LAKES,	
offenses on vessels upon the Great Lakes, how punished, etc., jurisdiction.....	799
life-saving stations on Lakes Ontario, Erie, Huron, Michigan, Superior... 28, 29, 339, 340	
superintendents and keepers of stations. 29, 341	
LAND DISTRICTS,	
in Alaska, with office at Sitka.....	433
general land laws of United States not to apply to.....	433
town sites, surveys, and reservations in.....	944
in Colorado, Del Norte district.....	26
Bent district.....	510
Sterling, Akron, and Hugo districts.....	704
in Idaho, Oneida district, its boundary, office, etc.....	215
in Illinois, Springfield district abolished. records transferred to State.....	115
in Indiana, Indianapolis district abolished.....	115

	Page.
LAND DISTRICTS—Continued.	
in Indiana , records transferred to State...	115
in Indian Territory , President may create, etc	699
in Kansas , Western and Arkansas Valley districts established	25
Southwestern district established	326
register and receiver for	326
Northern district established	283
register and receiver for	283
office of surveyor-general of, abolished	115
in Montana , Bozeman district established	26
register and receiver	26
Yellowstone district established	281
Missoula and Judith	710, 883
in Nebraska , Minekadusa and Hitchcock districts	347, 348
Northwest and Sydney districts	490, 491
in New Mexico , La Messilla	4
Colfax district	637
Lincoln district	660
in North Dakota , Bismarek district	9
Broken Bow and Alliance district	714
Grand Forks district	275
Devil's Lake	416
Minot	807
in Ohio ,	
Chillicothe district abolished	115
records transferred to State	115
in Oklahoma ,	
Public Land Strip district	729
President may create	699
in Oregon , The Dalles district	57, 58
land office may be changed by President	58
Harney district	587
in South Dakota ,	
Huron district	334
Aberdeen district	335
Watertown	335
Pierre	415
Chamberlain	416
in Utah , Beaver district established	100
office to be located by President	100
in Washington , Whitman district established	123
with office at Colfax until changed by President	123
lands in, subject to sale	123
Yakima district established	300
register and receiver for	300
unfinished business to be transferred to	300
Chehalis and Columbia districts	741
in Wyoming , Evanston district	116
Buffalo district	563
three additional districts	715, 716
LAND OFFICERS (See <i>Land districts</i>),	
surveyor-general of Kansas abolished	115
offices at Chillicothe, Ohio, Indianapolis, Ind., and Springfield, Ill., abolished	115
recorder of land titles for Missouri abolished	11, 115
records, etc., of, to be transferred to State	11
powers of, transferred to Commissioner of General Land Office	note 11
LANDS (PUBLIC),	
in general ,	
entries may be made at General Land Office in States where no land offices	135
certain entries where final proof made and bona fide sale or incumbrance, to be patented	943
patent to issue in two years	943
occupants of, under color of title, adjudged invalid, to have remedies in Federal courts for improvements	10
clerical errors corrected	943

	Page.
LANDS (PUBLIC)—Continued.	
in general—Continued.	
timber may be cut in certain States for domestic purposes	166
President may set aside forest lands	947
money received for cash entries to be covered into Treasury	135
also moneys for certain timber cutting	169
moneys refunded for void soldiers' additional homestead entries	300
new certificates may be issued for lost agricultural college scrip	19
settlers may be given leaves of absence, when	683
in Alabama, Mississippi, Louisiana, Arkansas, and Florida , to be disposed of as other public lands	109
in Alabama	404
in Missouri and Kansas , mineral lands to be disposed of only as agricultural lands	104
railroads and roads ,	
alternate sections of railroad lands reduced to \$1.25 an acre	298
homestead rights in railroad grants extended	257
in Missouri and Arkansas	271
additional entry patented without cost forfeited railroad lands, price fixed at \$1.25 per acre	491
extension of limit of entries of homestead on	683
settlers on railroad lands restored to public domain permitted to purchase within limited time	894
entries on, within limits of land grants, prior to notice of withdrawal of lands, etc.; confirmed	313
claims abandoned on account of decision of Land Office may be renewed	99
entered after expiration of land grant deemed valid	99
lands for construction of wagon roads in Oregon; patents to issue when roads completed, etc	16
railroad companies relinquishing lands in their grants entered for preemption or homestead, may select other lands	38
grants to, not thereby enlarged	38
title of settlers in such cases may be perfected	38
unearned railroad grants forfeited	808
preference to settlers now on lands to make entries	808
purchasers from railroads may purchase	808
certain Iowa lands exempt	809
certain purchasers not limited	809
forfeiture not to inure to benefit of certain grantees	809
other lands may be selected by railroads in lieu of those entered for preemption or homestead	38
title of settlers perfected	38
privileges extended to certain settlers with unrecorded entries	791
right of way through, granted to railroads, and provisions concerning same	91, 92
cost of surveys of lands granted to railroads to be paid by companies	114
depreddations on	
cutting or injuring trees on	91
breaking fences, driving cattle on, etc., how punished	91
act not to apply when cutting, destroying, and removing timber	168

LANDS (PUBLIC)—Continued.	Page.
depressions on—Continued.	
timber, etc., may be cut for domestic purposes, etc.	166
registers and receivers to ascertain and notify Commissioner when timber is cut for unauthorized purposes	167
penalties for violation of above provisions	167
penalty for unlawful cutting in certain States	168
how relieved	169
collections for deprecations on, to be covered into Treasury	159
timber cut on, exported from Territories, liable to seizure	159
inclosure without title prohibited	477, 478
assertion of right without title	477
transit over and settlements on, not to be obstructed	478
unlawful structures to be removed	478
suits for such trespass and obstructions	477, 478
private land claims (See <i>Private land claims</i>),	
payment for survey	73, 115, 486, 921
in Florida, Louisiana, and Missouri, when recognized by Supreme Court; certificates for	209, 210
certificates may be subdivided	210
and are assignable	210
receivable for preëmption and homestead claims	210
provisions applicable to indemnity certificates under act of 1858	210
court of, created	917
provisions for settlement of	917
surveys,	
manual of instructions to be part of surveying contract	879
deposits for may be assigned	244
where receivable in payment for lands in Louisiana may be used for resurveys	381
payment for surveys in Alaska	944
how surveys made and approved	945
in Oklahoma	721, 728-731
town-site lands in; how entered, etc	739, 741
(See <i>Oklahoma</i> .)	
irrigation, canals, etc.,	
restoration of irrigable lands withdrawn from entry, etc., except, etc	626, 791
located reservoir sites reserved from entry	792
acquisition of, limited to 320 acres agricultural lands	792, 946
patents west of 100th meridian to reserve right of way for ditches	792
reservoir sites to include only lands necessary and unoccupied	945
rights of way granted to canal and ditch companies	946
State authority not affected	946
maps to be filed and approved	946
forfeiture for noncompletion	946
rights limited to canal use	947
desert lands,	
citizens may purchase	137
right defined	137
when patent to issue	137, 941
act to apply only to certain States	137
plan of proposed irrigation to be filed	940
cultivation required	941
limit of holding	941
only residents entitled	941
transfers for before patent	942

LANDS (PUBLIC)—Continued.	Page.
mineral lands,	
applications for patents for mineral veins, lodes, etc., may be made by agent when claimant resides out of district	276
on unpatented claims, year's work required by law to commence January 1 after location	276
money expended on tunnels for mining purposes to be deemed expended on lode	62
mineral lands on abandoned reservations subject to mineral laws	455
in Alabama mineral lands to be subject to disposal as agricultural land	404
also in Missouri and Kansas	104
oaths of applicants for, and of adverse claimants to mineral lands	338
school lands, settlement on school section before survey valid	898
school land provisions	898, 899
lieu and double lieu lands, when and how allowed	899
laws for protection or lease of school lands may be made by Illinois, Arkansas, Louisiana, and Tennessee	439
indemnity school lands confirmed to California	132
innocent purchasers of lands certified for school purposes confirmed	132
confirmation not to extend to claims of actual settlers	132
not to apply to mineral lands	133
for certain fractional townships in Missouri; how selected	40, 41
lands granted to Nevada in lieu of sixteenth and thirty-sixth sections	301, 302
act of Nevada accepting same	301
how to be disposed of	302
sales, public and private,	
no lands, except in Missouri, subject to private entry	682
no lands subject to public sale, except abandoned reservations, etc.	943
sale of abandoned and useless reservations	453, 684
in Alabama to be disposed of only as agricultural lands	404
proclamations of sales, how published	127
sale of saline lands	note 127
timber lands in California, Oregon, Nevada, and Washington	167
application for	167
publication and proof	168
penalty for cutting timber on, etc	168
President may reserve forest tracts	947
saline lands to be examined by registers	
and receivers	note 127
to be sold at public auction	127
when may be sold at private sale	127
provisions not to apply to certain States	127
patents to be only releases	127
proclamation of sale of, where to be published	127
Indian lands and reservations (See <i>Indian lands and reservations</i>).	
State grants (See above, <i>School lands</i>),	
grant to Dakota, Montana, Arizona, Idaho, and Wyoming for university purposes	316
grants to Colorado	86, 424
to North and South Dakota, Montana, and Washington	646, 649
to Idaho	765, 766
to Wyoming	768, 770

	Page.		Page.
LANDS (PUBLIC) —Continued.		LANDS (PUBLIC) —Continued.	
swamp and overflowed, in Missouri granted to State.....	141	town sites, quantity of land excluded from preemption.....	138
title to lands in Missouri confirmed and released to equitable owners.....	11	certain entries confirmed.....	138
lands in Virginia military district defined.	283	proceedings to be had where site exceeds maximum.....	138
possession, when to give title.....	384	copies of acts incorporating towns to be furnished by Territories.....	139
homestead and preemption (See <i>Homesteads</i>),		sites with less than maximum may make additional entries.....	139
certain scrip receivable for.....	210	in Oklahoma.....	739
settlers may be absent from lands where crops destroyed by grasshoppers... or otherwise, or by failure of crops, sickness, or casualty.....	272	not to include minerals.....	945
time for payment may be extended upon failure of crops.....	884	LAWs (See <i>Revised Statutes</i>),	
homestead settlers may have twelve months to commence residence, for climatic reasons.....	327	bills, orders, resolutions, etc., votes of Congress which become laws, to be received by Secretary of State.....	57
settler may transfer before patent for certain public purposes.....	942	Statutes at Large, contract with Little & Brown for publication of, terminated. of each session of Congress to be edited, printed, etc.....	20
who may make homestead entry.....	942	pamphlet copies of acts and resolves of each session to be distributed.....	20, 411
adjoining farm entries.....	942	bound copies of, to be distributed at close of each Congress.....	21, 411
affidavit of homesteader.....	942	printed copies of pamphlet and bound edition to be evidence.....	21
commutation of homestead.....	943	copies of, to be sold at cost of paper, binding, etc., with 10 per cent. added to be stereotyped and offered for sale... to be kept on sale by arrangements with booksellers.....	21
entries, when to be patented where final proof made, if bona fide incumbance.....	943	printing and binding same, and index..	77
patent to issue after two years' from receiver's receipt.....	943	Revised Statutes ,	
preemption laws repealed.....	942	review of laws relating to.....	133
existing rights saved.....	942	first edition; publication of.....	20
lands acquired of Indians in Indian Territory to be open only to homestead and to town sites, except.....	729, 929	to be evidence.....	21
certain Indians may have benefit of homestead laws.....	78	certificate to, not to be under seal.....	57
settlers may change entries from preemption to homestead title.....	683	second edition; provisions for publication, distribution, and sale of..	133, 204, 261
when claimants become insane, claims may be perfect claims.....	291	how far evidence.....	133, 153
notice to be filed of intention to make final proof for.....	258	Supplement to , provisions for publication and sale of.....	311
to be published.....	258	to be prima facie evidence.....	311
when proofs may be made.....	634	second edition authorized.....	712
notices of contests under homestead and preemption and timber-culture laws, how published.....	169	how to be distributed.....	713
proof of residence, occupation, etc., oaths of persons making entries of homesteads, before whom may be taken.....	148, 258, 743	to be prima facie evidence.....	713
to be transmitted to register, etc.....	148	LEAKAGE ,	
punishment for false swearing.....	148	of spirits withdrawn from distillery warehouse; taxes on, may be remitted... allowance for.....	275
homestead entries within railway grants, etc.....	257, 271, 491	LEGAL TENDER (See <i>Coin; Fractional currency; Gold; Silver coin</i>),	
money refunded for certain void additional homestead entries.....	300	notes, limit of issue of.....	28, 166
purchasers in Missouri, as swamp lands, to have priority for homestead, if not in fact swamp lands.....	67	to be paid in coin on and after July 1, 1879.....	58
odd sections of land granted in aid of Missouri and Arkansas open to homestead settlers.....	171, 172	received in exchange for silver coin, for redemption of fractional currency..	125
timber culture (See <i>homestead and preemption</i> , above),		trade dollar not to be.....	124
laws repealed.....	940	silver dollar to be.....	152
existing laws saved.....	940	silver coin of less than \$1 to be, to extent of \$10.....	264
cultivation and commutation.....	940	LETTER BOXES (Post-office collection), when may be placed in private buildings..	567
fees.....	940	LETTE CARRIERS (See <i>Postal service</i> ,— <i>post-offices</i>),	
when preemption, homestead, or timber-culture claimant files relinquishment of claims, land open for entry.....	282	in what places to be employed.....	518
in case of cancellation of entry contestant to be notified.....	282	in cities, divided into classes, salaries of..	519
settlers allowed time to file application..	282	appointments and promotions.....	363
notices of contest, how published.....	169	substitutes, pay and duties.....	363
		eight hours to be day's work.....	587
		to have leave of absence.....	446
		LIBRARIES ,	
		restrictions as to binding at Government Printing Office for departments....	201
		not to apply to Library of Congress, Patent Office, Department of State, and Surgeon-General's Office..	201, 209, 221

	Page.
LIBRARIES—Continued.	
in District of Columbia, stealing or injuring, etc., books, etc., in; how punished	195
Library of Congress,	
regents of Smithsonian Institution to have use of	96
Interstate Commerce Commission and Chief of Engineers of Army	884
fee for recording, etc., and for assignments or copies of copyrights	15, 952
what engravings, cuts, and prints may be entered in, for copyright	16, 951
stealing or injuring books of; how punished	195, 196
committee on, during recess	416
when to be kept open	597
LICENSE,	
of vessels on western, northern, etc., waters; how may be issued or renewed in districts where not owned	8
canal boats and boats on inland waters and canals of States exempt from ..	8
vessels not propelled by sail or internal motive power not required to pay fee for	271
certain barges, flatboats, etc., not required to have	271
LIFE-SAVING SERVICE,	
act of 1874 establishing	28, 29
of 1878, organizing the	note 190-193
of 1882	339-342
of 1886	497
laws reviewed	190
general superintendent of, his appointment, salary, etc	191
assistant to	192
his duties	192
to make annual report	192
stations established at numerous points specified	28, 29, 72, note 190-193, 320, 321, 339-342, 622, 632, 633, 650, 660, 927
at what seasons to be kept open	191
superintendents on the coasts and keepers of stations, appointment, and duties	29
compensation	29
keepers and men, pay of	341
crews on Pacific coast	341
members disabled in line of duty to have a year's pay	341
in case of death widow, etc., to have two years' pay	341
appointments to be made only for fitness ..	342
assistant superintendents for coast of Long Island	29
crews of surfmen for	29
volunteer crews may be accepted, paid, and given medals in certain cases	29
medals of honor may be given to	29, 30, 193, 341
regulations of service to be made by Secretary of Treasury	30
disposal of condemned articles belonging to	30
owners, agents, etc., of vessels to report accidents to collectors of customs ..	30
to report to collectors probable loss of vessels	30
collectors to transmit to Secretary of Treasury reports received, and to report neglects, refusal, etc	30
penalties; how may be mitigated, and how prosecuted for	30
proceeds of old material; how to be used ..	191
keepers to have charge of property saved. to reside near stations	191

	Page.
LIFE-SAVING SERVICE—Continued.	
revenue-marine officers may be detailed for	192, 373
investigation of shipwrecks with loss of life	192
compensation of members of volunteer crews of life-boat stations	192, 193
pay of volunteers for saving, etc., property drill, etc., of enrolled crews	193
LIGHT-HOUSE BOARD,	
to arrange ocean, gulfs, etc., into sixteen districts	502
repeal of regulation against employment of persons above age of 45 years	502
property of, no longer needed, may be sold. jurisdiction of, extended over Mississippi, Ohio, and Missouri Rivers	42
collectors of customs to have no pay for certain service	298
masters of light-house tenders to have police powers	298
vessels for use of; how paid for	250
to expend appropriations by contract	250, 469
LIMITATION,	
offenses not capital, except, etc., not to be prosecuted after three years	98
for prosecution of offenses against internal-revenue laws to three years, etc	468
of time for bringing action against corporations in District of Columbia causing death	476
of time for filing claims for removal of charge of desertion	694
of time for prosecution for desertion	713
of suits against United States in Court of Claims and circuit and district courts	559
of time for filing claims for horses, etc., lost in military service	390, 615
for private property lost by officers and soldiers	481
of appeals and writs of error to Supreme Court	904
in capital cases	639
to circuit courts of appeals	904
in certain interstate-commerce cases ..	689
of time for filing claims for arrears of pension	257
LIQUORS (See Distilled spirits; Internal revenue; Tariff),	
act of 1875, relating to	70-62
of 1879, relating to	221-243
imported liquors, stamps, etc	236
of 1880, in relation to	284-289
penalties on rectifiers, liquor dealers, etc., carrying on business without paying special tax; forfeiture of spirits, etc. for affixing imitation stamps on packages of	61
special taxes on dealers	229
tax on fermented, not to be assessed on quantity of material used, etc	104
special-tax stamps may be issued to retail dealers in, on railway trains	124
importation of adulterated, forbidden	795
LOANS AND CURRENCY (See Coin; Currency; Public debt; National banks).	
LOTTERIES,	
setting up, or permitting house to be used for in District of Columbia prohibited ..	158
circulars, etc., of, not mailable	803
registered letters may be returned	804
payment of money-orders in favor of, may be prohibited	804
LOUISIANA,	
judicial districts in	325, 606, 615

LOUISIANA—Continued.	Page.
collection district (customs), deputy for, Lake Charles, La., may be appointed	279
public lands in, to be disposed of at public sale	109
may make laws for protection or lease of school lands	439
deposits for payment of land surveys may be used for resurveys	381
private land claims in, and indemnity certificates, provisions respecting	209, 210
one appraiser and two assistants at New Orleans	335
port of New Orleans extended	599
New Orleans a port of immediate transportation	293, 294
salaries of customs officers	35, 221

M.

MACERATION,	
destruction of United States and bank notes at Treasury may be by, instead of by burning	42

MAGAZINES,	
postage on	246
on foreign periodicals	247
copyright of foreign	952

MAILABLE MATTER (See <i>Postal service,—postage and mailable matter</i>),	
classes of, and postage thereon	246-248
nonmailable matter	247, 248
how subject to examination and exclusion	248
what may be written on publications, or inclosed in	249

MAILS (See *Postal service,—contracts and mail service*).

MAINE,	
district court for, to be held at Bangor	423
port of Nobleborough, to be called Damariscotta	89
Aroostook and Bangor customs districts, what to comprise	316
Rockport a port of delivery	720
collector and deputy collector for Bangor district	316
Gardiner and Richmond, to be ports of delivery	203
imports may be entered at or transported to Portland and Bath	293, 294
life-saving station at St. George River	650
Mount Desert Ferry a port of entry in district of Frenchman's Bay	491

MALT LIQUORS (See <i>Brewers; Fermented liquors; Internal revenue</i>),	
tax not to be assessed on quantity of materials used	104
special taxes on wholesale and retail dealers	229
stamps for, how procured, affixed, etc	93
imported, to be stamped	236
special stamps may be issued to dealers in, on railway trains	124

MANDAMUS,	
may be issued by circuit courts to compel clerks of courts, marshals, and district attorneys to make returns and perform other requirements of law	66

MANSLAUGHTER,	
how punished	85

MAPS,	
no expensive maps or illustrations to be printed without order of Congress	41
charts of coast survey to be sold at cost, and not distributed free, except, etc	202
members of Congress may have ten of each	250

MAPS—Continued.	
post-route, may be sold	187, 773
disbursement of money for, to be by bonded officer	187
to what appropriation to be charged	187
of topographer's office	187
township, of States and Territories may be sold	631

MARINE CORPS,	
commandant of, from officers of corps, and to have rank and pay of colonel	10
appointments to, limited	473
no commutation of forage in	473
an officer of, may be appointed Judge-Advocate General of Navy	290
duplicate of lost certificate of discharge, how obtained	704
charges of desertion, how may be removed, etc	615, 616

MARINE HOSPITALS,	
supervising surgeon of, to be appointed by President, his salary	73, 95
duties of, to prevent spread of contagious disease	157, 709
medical officers of, to be appointed by President, etc	637
word "seaman" as used in laws relating to, defined	94, 95
building for, may be leased	94
insane patients may be admitted from, to Government Hospital for Insane	94, 298
sick and disabled seamen from vessels, foreign or not, how admitted to	95
tax on seamen for, abolished	443
expenses of, how paid	443

MARINE SCHOOLS,	
vessels to be furnished for, at ports of New York, Boston, Philadelphia, Baltimore, Norfolk, and San Francisco	25
at Wilmington, Charleston, Savannah, Mobile, New Orleans, Baton Rouge, Galveston, and Narragansett Bay	325

MARRIAGE,	
of colored persons according to custom, etc., issue to take property by inheritance, etc., in District of Columbia	215, 216
white men marrying Indians not to acquire tribal rights	608
in Oklahoma and Indian Territory clerks of courts may solemnize	736
tribal marriages valid and children legitimate	737
Indian women marrying white men become citizens	608
evidence of	608
in Territories, and certificates thereof	569
in pension cases, how proved	383
issue of Mormon marriages before January 1, 1883, legitimated	333

MARSHALS,	
to reside in their districts, except, etc	18
fees of, limited	564
may execute process in Indian Territory in criminal cases	note 588
to institute proceedings against persons violating civil-rights law	68
may arrest and take before magistrates persons operating illicit distilleries	235
accounts of, for costs, etc., how proved, etc., before taxing or allowing	65
to be forwarded, with vouchers, in duplicate to officers of the Treasury	65
when to give increased bonds	65
mileage and expenses of, how paid	66
of Supreme Court to be furnished with Congressional Record	328

	Page		Page
MARSHALS—Continued.		MEDICINE AND SURGERY—Cont'd.	
circuit courts, may issue mandamus to compel performance of duties	66	in Army, medical purveyors, number, rank, and pay of	45
of middle and northern districts of Alabama to act for circuit courts	39	assistant purveyors, number, rank, and pay of	45
in Arizona to have double fees, subject to maximum	383, 764	to give bond	45
in California	514	may be assigned to duty by the President as surgeons	45
in Colorado, powers and duties of	106	Hospital Corps attached to	549
in Georgia	note 336	printing in Surgeon-General's Office ..	505, 582, 772
in Indiana, to appoint deputies to reside at Fort Wayne	327	in Navy, of what officers to consist	376
in Iowa	359	in the District of Columbia, regulations concerning practice of pharmacy ..	183-186
in Louisiana	326	physicians, midwives, etc., to be registered	311
in Michigan, western district	199	sale of adulterated drugs prohibited ..	627
to keep office and deputy at Marquette, in northern division	199	MESSENGER SERVICE (Mail) (See <i>Postal service,—contracts and mail service</i>),	
in Mississippi	345	in connection with railroads, steamboats, bridges, ferries, etc	557
in New Mexico to have double fees, subject to maximum	383, 764	METALS (See <i>Tariff of 1890</i>),	
in Tennessee, eastern district, to appoint deputy at Chattanooga	295	smelting, etc., works may be made bonded warehouses	861
in western district, to appoint deputy for eastern division	203	METERS,	
in Texas, for the several judicial divisions. one to be appointed for northern district ..	219	for gas in District of Columbia	53
in Utah Territory, to attend all sessions of supreme and district courts of	48	superintendent of, to have additional salary as superintendent of street lamps ..	381
service of process by, mileage, etc	48	METROPOLITAN POLICE,	
acts of Territory relating to, disapproved fees of	51	in District of Columbia, jurisdiction, etc., over, transferred to Commissioners ..	178
deputy marshals, their appointment, bond, oath, etc	48	pay of, to be fixed by Commissioners ..	202
actions for misfeasance of deputies, how brought	48	powers of, extended to public squares and places in District of Columbia	115
MARYLAND,		MICHIGAN,	
life-saving station on coast of	28	Cheboygan made a port of delivery instead of Duncan City	105
salaries of customs officers	221	Cheboygan, Manistee, and Ludington ports of delivery	742
MASSACHUSETTS,		Grand Rapids a port of delivery, with privileges of immediate transportation ..	588
establishment of life-saving stations in, ..	note 190, 622	Sault Ste. Marie a port of delivery, with privileges of immediate transportation ..	643
Boston, a port of immediate delivery	293, 294	western judicial district to include certain counties before in eastern district ..	198
Rockport a port of delivery	425	divided into southern and northern divisions	198
Springfield a port of delivery	note 805	circuit and district courts to be held in each division	198
towns in, added to Hartford, Conn., collection district	805	terms of, in southern division at Grand Rapids	198
Dennis Bourne added to seventh district ..	467	in northern division at Marquette	198
MASTERS IN CHANCERY,		district court for eastern district of, to be held at Port Huron	199
of circuit courts may take testimony to be used in private claim cases before Congress ..	212	courts at Bay City	543
their powers, duties, compensation, etc ..	212	Detroit, Port Huron, and Grand Haven, ports of immediate transportation ..	293, 294
MECHANICS' LIEN,		MILEAGE,	
act concerning, in District of Columbia ..	447-449	only actual traveling expenses to be allowed to public officers, except, etc	note 81, 400
MEDALS,		allowed to officers of the Navy	109
may be given in certain cases to volunteer crews in life-saving service	29, 341, 342	except when traveling abroad	377
of honor may be given to persons who endanger their own lives to save others at sea and in life-saving service	29, 193	to officers of the Army .. 109, 113, 400, note 756 ..	896
MEDICAL DEPARTMENT (Army) (See <i>Army, enlisted men of; Army, officers of</i>).		of engineers on public works	803
MEDICINE AND SURGERY,		and expenses of attorneys, marshals, and clerks; how audited and paid	66
in Army, Medical Department officers, their rank and pay	45	laws on mileage reviewed	notes 81, 756
vacancies in office of assistant surgeon, how filled	45	MILITARY ACADEMY,	
hospital stewards	549	vacancies in, may be filled by President ..	82
vacancies in, not to be filled until number reduced	46	cadets appointed at large not to exceed ten ..	349
grades in, not authorized, abolished	46	pay of	424
additional grades of surgeons established	106	dismissed for hazing not to be reappointed ..	424
number of assistant surgeons to be one hundred and twenty-five	106	assistant instructor of tactics to receive pay of assistant professor	82
medical storekeeper abolished	106		

	Page.		Page.
MILITARY ACADEMY —Continued.		MINISTERS (to foreign countries) (See <i>Diplomatic officers; Foreign relations</i>),	
books to be sold to cadets at cost.....	82	meaning of word as used in laws respecting	
effects of alcoholic, etc., drinks to be		foreign relations.....	97
taught at.....	492	not to be absent without leave, etc.....	14
supplies for, how purchased.....	note 585	not to correspond with private parties on	
funds from rent of hotel on grounds at,		public affairs.....	14
how expended.....	585	nor recommend persons for employment.	15
band at, of what to consist.....	138	nor accept presents for themselves or	15
pay of, including teachers.....	138	others.....	13
Board of Visitors to, how paid.....	180	time of transit allowed to.....	13
quartermaster and commissary for cadets to		compensation of.....	note 209
be detailed.....	115	MINNESOTA,	
supplies furnished at cost.....	116	ports of entry and delivery, etc.....	294, 585, 707
assistant commissary to.....	349	collectors, where to reside.....	585
one professor of modern languages in place		salary of appraiser at St. Paul.....	note 118
of professors of French and Spanish.....	268	owners of mills on St. Croix River may	
professors who serve ten years to have pay		construct piers, etc.....	338
of colonels.....	268	inspector of hulls and boilers at Duluth.....	517
any officer may be assigned as professor of		judicial districts and courts in.....	718, 719
law.....	290	MINTS (See <i>Coin</i>),	
no graduate to be professor, etc., until after		salaries of officers, etc., under Director of.	17
four years.....	349	of officers at the several, established....	17
vacancies in office of second lieutenant		at New Orleans to be reopened.....	17
may be filled by graduates of.....	188	assaying and stamping bullion author-	
if no vacancies, graduates to be appointed		ized.....	120
additional second lieutenants.....	491	superintendents of, may be authorized to	
graduates of, to be appointed second lieu-		receive deposits of gold and issue cer-	
tenants to fill vacancies.....	188	tificates.....	173
to receive pay from graduation.....	517	refining bullion to be carried on at.....	200
artillery detachment of, to be mustered in		and assay offices may pay coin, bars, or coin	
as Army service men.....	759	certificates to depositors of bullion,	
MILITARY JUSTICE (Army),		under regulations, etc.....	200
Bureau of, consolidated with corps of judge-		charges collected of depositors at, how to	
advocates, under title of Judge-Ad-		be used.....	200
vocate-General's Department.....	457	coinage of foreign countries may be exe-	
officers and rank.....	457	cuted at.....	3
acting, how detailed.....	457	coinage, etc., of silver dollars.....	152
MILITARY PRISON,		provisions for purchase of bullion for.....	note 774,
to be at Fort Leavenworth, Kans., instead			775
of at Rock Island.....	9	of trade dollars.....	125
to be visited and inspected annually by		laws for coinage and issue of, repealed.	568
Secretary of War, Commissioners,		of subsidiary coin.....	125
and Inspector-General.....	887, 888	seigniorage to be accounted for.....	125
army supplies to be made at.....	251	charge for melting, refining, etc., bullion,	
MILITARY RESERVATIONS,		to be fixed by Director.....	319
abandoned, to be sold.....	453-455, 684	minor coins may be transferred to Phila-	
in Nevada, only under homestead laws....	811	delphia for cleaning and reissue....	626
MILITIA,		MISDEMEANORS (See <i>Crimes and offenses;</i>	
permanent appropriation for supply of		<i>District of Columbia,—crimes and of-</i>	
arms, stores, equipage, etc., to.....	537	<i>fenses</i>).	
guns and mortars to be furnished for prac-		MISSISSIPPI,	
tice.....	344	East Pascagoula, to be port of delivery...	91
ordnance, etc., furnished to, how credited.	679	public lands in, to be disposed of at public	
of District of Columbia, act for organiza-		sale.....	109
tion of.....	661-669	judicial districts and courts in.....	note 344,
MINERAL LANDS, MINES, AND			500, 547, 583, 584
MINING (See <i>Lands, Public</i>),		circuit courts established in.....	note 638
timber may be cut from mineral lands in		circuit-court powers of district courts abol-	
certain States and Territories for dome-		ished.....	639
stic, agricultural, and mining pur-		MISSISSIPPI RIVER,	
poses.....	166, 167	vessels in coasting trade navigating above	
applications for patents for mineral veins,		New Orleans, laden with imported	
lodes, etc., may be made by agent		goods or spirits, exempt from pro-	
when claimant resides out of district.	276	curring licenses to unlade.....	112
on unpatented claims, year's work re-		amount of steam pressure allowed to be	
quired by law to commence January		carried by freight and tow steam-	
1 after location.....	276	boats.....	1
money expended on tunnels deemed to be		jurisdiction of Light-House Board extended	
expended on lode.....	62	over.....	42
in controversies for mining claims jury to		MISSISSIPPI RIVER COMMISSION,	
find as to title.....	324	members of, how appointed; to direct and	
no costs to be allowed.....	324	complete surveys of Mississippi	
saline lands to be examined and sold.....	127	River.....	268
provisions for protection of lives of miners		may have detail of Army engineers.....	269
in Territories.....	948-950	and officers and men from Coast and Geo-	
inspectors to be appointed, etc.....	948-950	detic Survey.....	269

	Page.		Page.
MISSISSIPPI RIVER COMMISSION—		MONTANA—Continued.	
Continued.		Yellowstone land district in, established..	281
may employ additional force	269	register and receiver for	282
to make report	269	Bozeman land district established	26
secretary of, to be detailed from Engineer		Missoula and Judith land districts	791, 883
Corps of Army	269	MONUMENTS,	
appropriations for, to be expended by Sec-		to deceased members of Congress interred	
retary of War	269	in Congressional Cemetery	104, 105
report, when to be made	610	MUSEUM (National),	
MISSOURI,		review of laws relating to	note 382
judicial districts in	note 543, 622, 738, 739, 790	duplicate specimens in, to be distributed	
divided into divisions	543	to colleges, etc.	382
boundaries, terms of courts, jurisdiction,		director of, to report to Congress	469
clerks, etc	543, note 544		
assay office at St. Louis established	315	N.	
office of recorder of land titles in, abol-		NAMES OF VESSELS,	
ished	note 11, 115	how may be changed	320, 462
records of, to be transferred to State	11	to be marked on bow and stern	894
Commissioner of General Land Office to		to be annually published in list	462
have power of recorder	11	NATIONAL ACADEMY OF SCIENCES,	
school lands for certain fractional town-		may hold trust funds	440
ships in, how selected, etc.	40, 41	NATIONAL BANKS,	
swamp lands in, granted to State	141	laws reviewed	354
public lands in, subject to disposal as agri-		act for organization, etc., of banks desig-	
cultural lands without reference to		nated the national-bank act	27
deposits of minerals	104	need not keep reserve on account of cir-	
private land claims in, and indemnity cer-		ulation	27
tificates, provisions concerning	209, 210	deemed citizens for purpose of establishing	
purchasers of swamp land in, to have pri-		jurisdiction of suits	354, 614
ority of entry for preëemption or home-		to deposit in Treasury 5 per cent. of cir-	
stead if not in fact swamp	67	ulation for redemption thereof and to	
odd sections of lands granted in aid of rail-		be counted as reserve	27
ways in, open to settlers	271, 272	to deposit money for redemption of notes	
settlers heretofore restricted to 80 acres		outstanding at extension	355
to have 80 in addition	272	deposits of, for redemption of circulation	
without fees, etc	272	notes, except the 5 per cent. to be	
residence, etc., how reckoned	272	covered into treasury	775
title to certain lands in, confirmed by acts		to be reported in monthly debt statement	
of Congress, released in fee to equit-		as debt without interest	776
able owners	11	notes of, to be redeemed on presentation at	
without affecting valid rights, etc.	11	Treasury	27, 354
Kansas City and St. Joseph ports of del-		force to be employed to carry out law for	
ivery for goods imported for im-		redemption of notes of	76
mediate delivery	371	upon deposit of bonds banks to receive	
St. Louis and East St. Louis added to New		notes in blank	356
Orleans collection district	385	bonds need not exceed one-fourth of capi-	
MISSOURI RIVER,		tal	355
Commission, appointment, powers, pay and		mutilated notes of, to be destroyed at	
duties	465, 466	United States Treasury and others	
reports, when to be made	610	forwarded to banks	27
jurisdiction of Light-House Board extended		may be destroyed by maceration instead	
over	42	of burning	42
MOIETIES,		to reimburse Treasury for cost of trans-	
to informers under customs laws abolished,		porting and assorting notes, engrav-	
and compensation allowed for detec-		ing plates, etc.	27, 76, 355
tion of violations of law	32	not to redeem notes elsewhere, except at	
MONEY ORDERS (See Postal Service),		their own counters	27
laws relating to	405-407	how, may withdraw circulation and take	
fees for	406, 498	up bonds deposited	27, 356
not to be issued for more than \$100	406	equalization of circulation among the	
payment of duplicates	407, 517	States and Territories, repealed	58
amount of, outstanding seven years to be		notes of, to be printed on distinctive paper,	
deposited in Treasury, etc	407	etc	72
postmasters, duties, etc., in relation to	406, 407	charter number to be printed on	28
clerks to be paid from money-order funds	483	where to be printed	73, 136
certain postmasters not to have extra pay	499	aggregate circulation of, not limited	58
penalty for counterfeiting, etc	593	nor of banks issuing gold notes	59
postmasters at offices of, may be disbursing		may be destroyed by maceration	42
officers	467	tax on circulation	61, 96
international maximum to be \$100	638	no tax on insolvent banks	243
MONTANA.		repeal of taxes on capital and deposits and	
act providing for the admission of, to the		bank checks	404, 405
Union	note 645-650	receivers may be appointed when bank	
assay office established at Helena	9	violates law, or neglects to pay a	
desert lands in, may be reclaimed and pur-		judgment, or becomes insolvent	107
chased by citizens	137		

	Page.		Page.
NATIONAL BANKS—Continued.		NATURALIZATION—Continued.	
receivers may purchase property in which banks have equities, etc.	488	Indians become citizens on accepting allotments	536
individual liability of shareholders in case of liquidation of, how enforced	107	Indian woman becomes citizen on marrying white man	608
when bank in hands of receiver has paid all creditors, etc., stockholders may elect agent to manage its affairs, etc.	107	NAUTICAL ALMANAC,	
powers of agent	108	to be printed at Government Printing Office	303
votes for agent on shares of deceased owner, how given	108	how distributed and sold	303
sale of stock of shareholders refusing to pay assessments	108	NAUTICAL SCHOOLS,	
officers of, to stamp counterfeit, altered, and worthless notes	108	vessels, etc., of Navy, may be furnished States for schools at New York, Boston, Philadelphia, Baltimore, Norfolk, and San Francisco	25
punishment for falsely certifying checks	357	and at Wilmington, Charleston, Savannah, Mobile, New Orleans, Baton Rouge, Galveston, and Narragansett Bay	325
gold banks may be converted into currency banks	278	to be restored on discontinuance of schools	25
compensation of occasional examiners of.. to be paid by the banks examined	63, 64	not to be used as places of punishment	25
in certain cities, etc., specially designated	63, 64	officers of Navy may be detailed as instructors at	25
reports of, may be sworn to before notaries public	318	NAVAL ACADEMY,	
gains from lost notes to mints to United States	355	hazing at, how punished	41
new notes distinguishable	355	course of study at	note 696
closing of banks not continuing	355	special course may be prescribed	376
no bank to be a member of a clearing house refusing to receive gold and silver certificates	357	study of effects of alcoholic, etc., drinks compulsory	492
corporate existence may be extended for 20 years	353	first class to be in two divisions	696
consent of shareholders	354	Board of Visitors to, how appointed, etc.	216
Comptroller to issue certificate	354	mileage to be paid to	217
rights preserved	354	no intoxicating liquors to be paid for out of appropriations	513
rights of shareholders	354	naval cadets, number and appointment of	37, 188, 376
redemption of notes	354	no more cadet midshipmen or cadet engineers	376
bonds for security of circulation not to exceed one-fourth of capital	355	undergraduates to be naval cadets	376
circulation not to exceed 90 per cent. of bonds deposited	355	appointment of graduates	376, 696
cost of transportation of circulation to be paid by banks	355	minimum and maximum age of admission	697
may increase capital stock	490	when may be voluntarily discharged with certificate of graduation	376
may change name and location	490	pay of naval cadets	138, 376
NATIONAL BOARD OF HEALTH (See Health),		surplus graduates; how disposed of	376
act establishing	note 261	graduates to be ensigns	446
records of, to be stored in office of Surgeon-General of Army	697	grade of junior ensign abolished	446
Secretary of Navy may place vessels at disposal of quarantine authorities at request of	273	NAVAL CADETS (See Naval Academy; Cadets).	
NATIONAL CEMETERIES,		NAVAL OFFICERS (Customs),	
to be under care of Secretary of War	113	compensation of certain	36
NATIONAL HOMES FOR DISABLED VOLUNTEERS (See Homes for disabled volunteers).		at Baltimore and New Orleans	220, 221
NATIONAL LOAN (See Bonds),		NAVIGATION (See Coasting trade; Shipping commissioners; Tonnage; Vessels),	
Secretary of Treasury may at any time apply surplus money to purchase bonds	321	sunken vessels obstructing, to be removed by Secretary of War	296
may exchange 3 per cent. for 3½	356	unless removed by parties interested after notice	296
repeal of permanent appropriation for expenses of	18	to be sold after removal by Secretary of War and proceeds deposited in Treasury	297
NATIONAL MUSEUM,		may be sold before removal	369
review of laws relating to	note 382	wrecks may be broken up and removed	802
to distribute duplicate specimens to colleges, etc.	note 382	obstruction to navigation by bridges	466, 800
Director to report to Congress	269	punishment for	801
NATIONAL TRADE UNIONS,		by deposits of refuse, etc.	514, 801
may be incorporated in District of Columbia	498	in New York Harbor	594
NATURALIZATION,		by wharves	801
declaration of intention, etc., may be made before clerks of certain courts	97	by bridges under State legislation	801, 802
		injunctions against	803
		no bridges under State legislation except over water wholly in State	802
		injury to Government works in navigable waters	118, 802
		no obstructions not authorized by law	802
		harbor lines to be established	514, 803
		rules to prevent collisions at sea	781-789

	Page.
NAVIGATION—Continued.	
harbor lights, etc	781
sound signals for fogs, etc	785
speed to be moderate in fog, etc	786
steering and sailing rules	786-788
sound signals for vessels in sight	788
proper precautions not to be neglected	788
local rules for harbor and inland navigation not interfered with	788
distress signals	788
repeal	789
when act takes effect	note 789
officers of United States vessels to be citizens, except	440
discharge of seamen	440
board of seamen after discharge	584
extra wages for unnecessary length of voyage, or when discharged for injuries in service	440
for unseaworthiness of vessel	441
in case of sale	441
deserters	441
neglect to collect extra wages	441
extra wages to be paid to seamen	441
destitute seamen to be sent home at cost of United States	441, 497
advance payments prohibited	442
vessels to have sloop chest	442
not including whaling and fishing vessels	496
consular services	443
hospital tax abolished	443
drawback on materials	443
liability of vessel owners	443
engagement of seamen	444
vessels not required to carry mails	444
refund of fines	445
certain fees of shipping commissioners and others abolished	492, note 492-497, 493, 583
allotment of seamen's wages	493, 583
limitation of liability of owners	494
net tonnage to be marked	494
vessels trading without license	494
foreign vessels liable to penalty for carrying passengers between United States ports	494
finer under this act may be remitted	495
drawback on bituminous coal	495
tonnage tax	495, 583
tonnage taxes, etc., foreign governments to be invited to abolish	495
suitable steam gauges	496
material for whaling and fishing vessels imported in bond	496
lights on small boats on St. Lawrence	496
commercial privileges may be suspended if denied by other nations	496
when fishing vessels are denied privileges in British dominions, President may deny privileges	555
NAVY (See <i>Naval Academy; Navy, Department of the; Navy, Secretary of the</i>),	
officers,	
certain officers of Confederate States not to be appointed in	428
grade of masters, title changed to lieutenant	401
of midshipmen, title changed to ensign-graduates of Naval Academy to be ensigns	446
grade of junior ensign abolished	446
pay of assistant surgeons not in line of promotion	401
reduction of staff officers; how effected	401
officers of, to have credit for all services, regular, volunteer, etc	401
shore duty	402

	Page.
NAVY—Continued.	
officers—Continued.	
naval cadets and enlisted men to have rations or commutation	473
line officer of, to be supervisor of New York Harbor	595
mileage; when allowed to officers (See <i>Mileage</i>)	59, 109, 377
expenses of officers traveling under orders not to be paid unless approved by Secretary	59
officers in, promoted in course to have pay of grade from date of rank	36
dismissed and restored by finding of courts-martial, back pay of	36
petty officers and seamen may deposit savings with paymaster, on interest	640, 641
pension of petty officers same as enlisted men	517
petty officers sent home on expiration of enlistment	94
precedence of rank of officers in; limiting provision of Revised Statutes	327
professors of mathematics in, to pass physical and professional examinations before appointment	314
in examinations for promotion in, matters decided at previous examinations not to be inquired into	193
pension of lieutenant-commanders	193
officers in, may be advanced for eminent conduct in battle	188
rank not to be changed except by advice of Senate, etc	188
naval cadets, number and appointment of	37, 188, 376, 696
pay of	138, 376
course of instruction of naval	
cadets	4, 376, 678, 900
commodores who were citizens of States in rebellion and adhered to Union, etc., may be promoted to rear-admirals on retired list, etc	122
pensions to engineers in, to be according to relative rank	148
clerks to Admiral, Vice-Admiral, and commanders of vessels, etc., not to be appointed from civil life	159
how detailed from officers of Navy	159
division commanders of fleets and fleet captains allowed prize money	12
officers may be detailed as instructors of certain nautical schools	25, 325
engineers in, may be detailed as professors in colleges, etc	221
detail of officers in colleges	620, 887
office of naval solicitor abolished	201
Judge-Advocate General of Navy to be appointed	290
his duties	291
acting assistant surgeons no longer to be appointed except in case of war	217
first and second engineers to be assistant and passed assistant engineers	4
passed assistant engineers to have rank of first assistant engineers	4
to have increased longevity pay	485
Medical Corps of	376
Pay Corps	376
Engineer Corps	377
number in above corps not to be exceeded	377
reduction of number of line officers	377
how effected	377
promotion and increased pay for retired officers prohibited	377
officers unfit by own fault to be discharged instead of promoted	377

	Page.		Page.
NAVY —Continued.		NAVY DEPARTMENT —Continued.	
officers—Continued.		use of appropriations for pay of; how limited	194
officers traveling abroad; their orders and expenses	59, note, 81, 109, 377	advances; how charged	194
Marine Corps,		settlements, etc., by Fourth Auditor	194
appointment, rank, and pay of commandant	10	tabular statement of receipts and expenditures of naval service to be laid before Congress annually	193
appointments limited	473	with account of balances, losses, etc.	194
no commutation for forage	473	estimates; how to be made up	317
of rations to enlisted men over those allowed to Army	900	charts furnished to persons not in public service to be paid for at cost	160
miscellaneous provisions,		value of issue of small stores to be credited to "small-stores fund," etc.	216
duplicate of lost certificate of discharge.	704	bureaus of provisions and clothing, account to be kept of supplies on hand, report	678, 900
certificate of discharge when enlistment was in assumed name	714	Board of Visitors to Naval Academy; how appointed, paid, etc.	216
issues of small stores to be credited to small-stores fund	216	Secretary may place vessels at disposal of quarantine authorities	273
clothing and small-stores funds to be consolidated	762	materials for steam boilers for, may be purchased without advertising	205
badges of certain war societies may be worn by officers and men of	884	notice to be given to principal dealers ..	205
supplies, how purchased and issued .. note	900	subject to test and inspection	205
navy yards at Washington and Boston; how continued	377	office of naval solicitor abolished	201
vessels to be examined once in three years, and those unfit for service to be stricken from register	378	Judge-Advocate-General to be appointed ..	290
vessels stricken from register, how disposed of	416, 417	his duties and his office	291
old material, how disposed of	377	NAVY, SECRETARY OF THE (See <i>Naval Academy; Navy; Navy Department; Navy Yards</i>),	
enlisted men in, number of	263	Assistant Secretary	772, 927
apprentices to be preferred in appointment of warrant officers	263	requisitions of, for advances, how issued, charged, etc.	194
boys between ages of 15 and 18 may be enlisted	263	how to classify, etc., estimates	317
age changed to 14	318	to approve payment of traveling expenses of officers traveling under orders	59
bounty on enlistment of, as apprentices.	669	to have direction of Judge-Advocate-General of Navy	291
register of wills in District of Columbia to prepare papers for enlistment of, without pay	931	may furnish vessels of Navy to States for nautical schools at certain ports	25, 325
seamen in, to have trusses	244	may order copies for sale of American Ephemeris and Nautical Almanac	303
artificial limbs	122, 947	may place vessels at disposal of quarantine authorities	273
home on receiving ship when discharged.	640	to convene board to examine candidates as professors of mathematics in Navy ..	314
enlistment of men for five years	263	may purchase materials for boilers without advertisement	205
of what persons prohibited	263	but to give notice to principal dealers and subject materials to test	205
penalty for enlisting prohibited persons.	263	may substitute desiccated tomatoes for desiccated potatoes	282
petty officers and men to be sent home at expiration of enlistment	94	may sell smooth-bore cannon for experimental purposes	468
pensions of petty officers same as enlisted men	517	to report details of certain expenditures at each session of Congress	473
men may deposit money with paymaster on interest	640, 641	NAVY YARDS (See <i>Navy; Navy, Department of; Navy, Secretary of</i>),	
persons enlisted out of United States, how discharged, etc.	94	force at, not to be increased within sixty days before election	109
persons sent home are subject to regulations, etc.	94	at Washington and Boston, how continued	377
how long may be detained and extra pay therefor	94	NEBRASKA,	
shipping articles to contain above provisions	94	courts in, when to be held	617
machinists honorably discharged from, since November 20, 1879, to receive one third of year's pay	302	records of land surveys may be transferred to	626
in ration for, desiccated tomatoes may be substituted for desiccated potatoes.	282	office of surveyor-general abolished	626
tobacco for Navy, how to be purchased.	326	Lincoln a port of delivery, with privileges of immediate transportation	789
force at navy yards not to be increased within sixty days of election	109	land districts in	347, 490, 491, 714
each type of rifled cannon to be tested ..	502	NEVADA,	
balance of appropriations, when to be covered into Treasury	502	terms of circuit court in	98
charges of desertion in late war, when and how may be removed	615, 616, 617	lands granted to, in lieu of sixteenth and thirty-sixth sections	301
NAVY, DEPARTMENT OF THE (See <i>Navy; Navy, Secretary of</i>),		act of legislature accepting same	301, 302
Assistant Secretary of	772, 927	agricultural lands of military reservations in, open to homestead entry only ..	811
requisition of Secretary for advances; how issued	194		

	Page.
NEVADA—Continued.	
desert lands in, may be reclaimed and purchased by citizens.....	137
timber lands in, to be sold.....	167-169
timber may be cut on mineral lands for certain domestic purposes.....	166
NEW HAMPSHIRE,	
district and circuit courts to be held at Concord instead of Exeter, and when.....	317
NEW JERSEY,	
cases in court may be tried at Newark with consent of parties.....	607
in Burlington, collection district port of Trenton instead of Lambertson.....	587
NEW MEXICO,	
officers of courts in, to receive double fees. maximum for district attorney and marshals.....	383
boundary between, and Texas.....	764
La Messilla land district in.....	927
Colfax land district.....	4
Lincoln land district.....	637
desert lands in, may be reclaimed and purchased by citizens.....	660
timber may be cut on mineral lands for agricultural, building, etc., purposes.....	137
legislative proceedings, records and laws, to be printed in English.....	166
supreme court of, to have a chief justice and four associates.....	423
divided into districts, etc.....	771
terms of court.....	771, 772
NEWSPAPERS (See <i>Advertisements</i>),	
in District of Columbia, only one to be designated in which to publish proclamations and treaties.....	771
in what, and at what rates, advertisements of departments to be published.....	114
advertisements for public contracts not to be published in, unless service to be performed there.....	314
proclamation of sale of public land to be published in only one.....	114
publishing advertisements of Post-Office Department.....	127
rates for all advertisements.....	164
publication of notices of contests under homestead and pre-emption laws.....	202
may be sent free to subscribers in counties where printed.....	169
postage on.....	249
wrappers for, not to be sold less than cost.....	247-249
what may be written or printed on, and on third-class matter.....	110
NEW YORK,	
circuit and district courts in.....	248, 484, 577
life-boat stations.....	334
Patchogue, Long Island, a port of delivery.....	29
surveyor to be appointed, who may enroll vessels, etc.....	59, 60
New York and Buffalo ports of immediate transportation.....	60
Albany a port of delivery, with privileges of immediate transportation.....	293, 294
Irondequoit Bay a navigable water, inspection of steam vessels on.....	705
salary of postmaster at New York City.....	759
two additional surveyors and a naval officer at port of.....	70, 420
salary of appraiser at port of.....	810
part of Hudson County, New Jersey, to be in the collection district of.....	925
salaries of collector, naval officer, and surveyor, at.....	221
immediate-transportation act to apply to certain ports in.....	35, 36

	Page.
NEW YORK—Continued.	
anchorage grounds in harbor of, how regulated.....	586
various offenses relating to the harbor of.....	594, 595
line officer of Navy to be supervisor of harbor of.....	595
NORTH CAROLINA,	
circuit and district courts to be held at Charlotte.....	196
at Wilmington.....	538
NORTH DAKOTA,	
act for admission of, as a State.....	note 645, 650
grant of lands.....	646, 649
surveyor-general for.....	713
judicial district and courts in.....	648, 716-718
timber may be cut from mineral lands in, for certain domestic purposes.....	166, 167
Bismarck land district.....	9
Grand Forks land district.....	275
Devils Lake district.....	416
Minot district.....	807
desert lands in, may be reclaimed and purchased by citizens.....	137
Pembina, port of entry in.....	881
NOTARIES PUBLIC,	
may administer oaths to national-bank officers making report.....	318
who are officers in any department not to charge for officers' oaths.....	791
of States may take depositions, acknowledgments, and affidavits to be used in United States courts.....	123
in District of Columbia to be appointed by President.....	172
term of office of.....	172
in Utah Territory to be appointed by governor.....	50
in Indian Territory.....	737
may solemnize marriages.....	737
NOTES (See <i>Coin; National banks</i>),	
tax of 10 per cent. on those used for circulation except national-bank notes.....	61
returns required therefor.....	61
of mining, etc., companies, used for circulation prior to November, 1873, tax on, may be remitted.....	96
tax on, to apply to evidences of indebtedness.....	96
of United States to have three plate printings; one done by bank-note companies and others at Treasury..	72
to have name engraved under portraits on.....	698
none to be retired after May 31, 1878.....	166
to be redeemed in coin after January 1, 1879.....	58
held for redemption of fractional currency to be issued.....	267
may be engraved at Treasury.....	136
and of banks may be destroyed at Treasury by maceration instead of burning.....	42
to be printed on distinctive paper.....	73
to be issued in exchange for silver bullion.....	774
to be redeemable in coin.....	775
to be legal tender.....	775
of national banks to be printed on distinctive paper.....	72
charter number to be printed on.....	28
to be redeemed on presentation at United States Treasury.....	27
provisions concerning redemption, etc. not to be redeemed elsewhere except at banks' own counters.....	27
how withdrawn from circulation and bonds deposited therefor taken up..	28

	Page.		Page.
NOTES—Continued.		OHIO—Continued.	
of national banks, reserve not to be kept by banks on account of	27	Columbus a port of delivery, with privileges, etc	708
no limit to issue, etc.....	59	Cincinnati, Cleveland, and Toledo, ports of immediate transportation	294
permanent appropriation for redemption of	775	Portsmouth added to collection district of New Orleans as a port of delivery ..	299
NUISANCES,		lands in Virginia district, act ceding, defined	283, 284
ordinances in District of Columbia in relation to	303-305	when possession gives title	384, 385
(See <i>District of Columbia, public health.</i>)		surveys returned to land office before March 3, 1857, declared valid	283
O.		officers and soldiers of Virginia line to have three years to perfect title....	284
OATHS (See <i>Affidavits</i>),		grant to Ohio Agricultural College not interfered with	284
may be administered by clerks detailed to investigate pension frauds	360	life-saving stations in	29
by special examiners.....	933	board of inspection of hulls and boilers at Gallipolis	352
official oaths, forms of.....	428	judicial districts	227, 900
of jurors	270, 428	northern district divided into eastern and western divisions	173
may be administered to officers of Senate, witnesses, etc., by presiding officer, Secretary, and Chief Clerk	99	with no additional clerk or marshal	173
by internal-revenue officers in certain cases	224	suits, in which division to be brought..	173
by customs officers	811	issues of fact and offenses, where tried..	173
by general appraisers of imported merchandise	752	jurors, their residence, etc	173
of Territorial officers appointed by President to be taken in Territories	100	processes may be executed in either division	173
to pension vouchers, to be administered by United States officers free	670	southern district divided into eastern and western divisions	277
in pension cases, may be administered by any officer generally authorized	762	no additional clerk or marshal	277
officers not having seal to file certificate..	884	in which division, suits and prosecutions to be instituted	277
by special examiners of Pension Office	933	residence of jurors	278
of applicants for, and of adverse claimants to mineral lands	338	processes from either division may be served in the other	278
may be administered to witnesses by members of Congress	446	in which division cases removed from State courts to be entered	278
official, may be administered by chief clerk of departments and bureaus to appointees	791	OHIO RIVER,	
no fee for, by notary public clerk, to appointees	791	jurisdiction of Light-House Board extended over	42
of importer, consignee, or agent on entry of separate packages of importation..	101	OKLAHOMA,	
to be taken by Postmaster-General and all persons in postal service	5	act providing for government of, etc.....	720-738
before whom may be taken	5	boundaries	note 720
of subordinate customs officers	60	public-land strip	721, 728
to be transmitted to Commissioner of Customs	60	Cherokee outlet	721
on proofs for entry of homesteads, etc	148, 258, 291, 743	public lands in	728-731
OBSCENE,		governor and other officers of	721
books, papers, etc., not mailable... note ..	248, 621	how appointed	727
importation of, forbidden	859	legislative assembly	721, 722
punishment for	860	elections	722
seizure of	860	restriction on power of	722, 723
OFFENSES (See <i>Crimes and offenses</i>),		incompatibility of offices	723
OFF-SET,		judicial power	723, 724, 725, 726
of sums due United States against claims, judgments, etc	90	jurisdiction of United States courts over, transferred to territorial courts	724
Court of Claims to have jurisdiction of ..	403, 559, 914	what laws of Nebraska extended to ..	725
and district and circuit courts, in certain cases	559	election, and precincts, and officers	726
OFFICIAL ENVELOPES (See <i>Postal Service</i>),		attorney, marshal, etc	726
provided for... 135, 136, 288, 409, 467, 468, 482,	500	fees of officers of courts	727
for pension agents, etc	500	salaries of officers	727
not to extend to certain officers	468	pay and expenses of legislature	727
no official stamps to be issued	468	seat of government	727
letters by members of Congress and members elect may be sent free under frank to officers of Government	932	delegate to Congress	728
OHIO,		national banks in, subject to general laws. directors need not be residents	728
collection districts, Miami and Sandusky..	547	public lands in, subject to homestead laws, except, etc	728
		provisions relating to	728-731
		act not to apply to Greer County until jurisdiction over, is adjudicated	731
		Constitution and laws of United States applicable to	731, 735
		laws of, not to be submitted to Congress..	731
		town-site entries, how made in	739, 740
		all lands in, declared agricultural	929
		divided into counties	note 929

	Page.
OKLAHOMA —Continued.	
county seats	930
probate courts to have jurisdiction in town-site matters	929
school lands may be leased	929
sections reserved for	930
OLD MATERIAL,	
useless ordnance of Navy, how disposed of	377
in Army	39, 74
useless papers of Congress	382
of the Departments	note 644
of Post-Office Department	320
of Sixth Auditor's Office	373
of courts-martial	135
in Life-Saving Service	30, 191
of hospital for insane	381
of District of Columbia	401, 678
of Army, etc., for militia of States, etc.	538
OLEOMARGARINE (See <i>Internal revenue</i>),	
defined	505
special tax on manufacturers and dealers	505, 506
penalty for not paying	506
notices and bonds	506
how to be packed, marked, etc.	506
penalty for violation	506, 507
internal-revenue tax on manufactured	507
imported, duty on (See <i>Tariff of 1890</i>)	507, 831
penalty for violation	508
how analyzed	508
deleterious to health, to be forfeited	508
export regulations	509
penalty for fraud in manufacture, etc.	509
for failure to comply with regulations	509
Commissioner of Internal Revenue to make regulations	509, 866
in District of Columbia, provisions as to sale of	207, 208
OPIUM,	
importation by Chinese prohibited	538, 539
traffic in, by United States citizens in China forbidden	539
tax on, manufactured for smoking	865
manufacture by aliens prohibited	865
manufacturers, regulations for factories	865
bonds by	865
stamps, import and internal-revenue, to be affixed	865
penalty for violation of law	866
duties on imported (See <i>Tariff of 1890</i>)	814, 853
ORDINANCES (of <i>District of Columbia</i>) (See <i>District of Columbia</i>),	
power of Commissioners to make and enforce	note 174
adopted by board of health legalized	303, 304
nuisances	304, 305
domestic animals	306
unwholesome food	307
inspection of streets, food, livestock, and marine products	307, 308
drain pipes, urinals, etc.	308
smallpox	309
vital statistics	310
ORDNANCE,	
unservicable, in Army may be sold	39
in Navy, how may be disposed of	377
may be issued to militia	537
but to remain property of United States	538
to high school of District of Columbia	955
to colleges	620
cost, how credited	679
ORDNANCE DEPARTMENT (Army)	
(See <i>Army; Army, officers of</i>),	
officers of, their rank and pay	45, 338
vacancies in grade of first lieutenant in, to be filled by transfer from the line.	45
examinations for appointment and promotion in	45

	Page.
ORDNANCE DEPARTMENT (Army)—	
Continued.	
vacancies in, not to be filled until number reduced	46
two officers may be detailed for Geological Survey	298
contracts for steel to be made after advertisements	896
board of	619, 896
OREGON,	
terms of circuit court in	98
life-saving stations on coast of	28, 660
The Dalles land district in, established	57, 58
Harney land district	587
claims on account of settlements on land included in certain military reservations made valid and patents to issue	131, 132
desert lands in, may be reclaimed and purchased by citizens	137
patents for lands in, granted for construction of wagon roads to issue when roads are completed	16
collection districts	336, 337
Portland, a port of entry for benefits of immediate transportation	294, 489, 490
limits of port extended	652

P.

PACIFIC RAILROADS (See <i>Railroads</i>),	
required to use roads and telegraphs as continuous line, and to allow equal advantages, etc., to each road	19
action for damages for noncompliance ..	19
Denver Pacific road to be part of Kansas road	19
accounts and settlements of, with United States	160
net earnings, how to be ascertained	161
compensation due from Government to be retained; how applied	161
sinking-fund of	161
credits to, and payments into	161
remission of payments into	161
no dividends to be paid in case of default.	161
liabilities to repay dividends illegally made	162
application of sinking fund	162
priorities in application of	162
liabilities of United States a lien on property of companies	162
not prevented from disposal of property in ordinary manner	162
enforcement of rights of United States	162
forfeiture of franchise on failure to comply with act	162
act subject to alteration; existing remedies not affected	163
settlements of accounts of, in Treasury Department	254
certain reports no longer required	194
Commissioner of Railroads	194, 320
salary and clerks	194
to prescribe system of reports, examine accounts, assist Government directors, see that laws are enforced, furnish information, and make report.	195
railroads to make reports as required	195
penalty for neglect	195
act to apply to assignees	195
Secretary of Treasury may redeem prior liens and United States become subrogated	557
sinking funds, how may be invested	557
subsidized railroads to maintain telegraph lines	602

	Page.		Page.
PACIFIC RAILROADS—Continued.		PAWNBROKERS AND JUNK DEALERS—Continued.	
Interstate-Commerce Commission, to compel compliance.....	603	prosecutions in name of District of Columbia.....	910
Attorney-General to see that interests of United States in telegraph lines are protected.....	603	Commissioners may make regulations for inspection.....	523
penalty for violation.....	603	PAYMASTER-GENERAL (Army),	
action for damages by party aggrieved.....	604	to rank as brigadier-general.....	113, 455
contracts between companies relating to telegraph to be filed.....	604	assistants and deputies.....	456, 456
companies to make reports.....	604	PAYMASTERS (Army),	
penalties.....	604	number and rank of.....	456
right of amendment reserved.....	604	PAY OF ARMY (See Army, Officers of; Army, Enlisted men of).	
rights of United States not affected.....	604	PAY OF NAVY (See Navy; Marine Corps).	
what payments to be made to aided roads for transportation.....	81, 375	PEDDLERS,	
PARTITION,		of tobacco; to obtain certificate of collector.....	863
of lands in District of Columbia.....	121, 122	forfeiture for refusing to produce when demanded.....	863
court may decree sale; division of proceeds.....	122	horses, wagons, etc., of, forfeiture for violation of law.....	239
in case of sale, how payments may be made.....	122	PENALTY ENVELOPES (See Postal service),	
PARTNERSHIPS,		provisions concerning.....	135, 136, 409, 467, 500
bonds for payment of customs duties may be executed by one member.....	105	PENALTIES (See Fines, penalties, and forfeitures; Crimes and offenses),	
special tax on sale of distilled spirits by retiring partner.....	228, 229	judges and district attorneys not liable for discontinuing proceedings to obtain testimony of accomplices in customs cases.....	59
PASSENGERS (See Immigration),		under Life-Saving Services.....	30, 31
"passenger act" of 1882.....	363-369	in postal service, for posting, or allowing to be posted, newspapers, etc., without affidavit.....	44
rules for transportation of immigrants.....	363	on postmasters for illegally approving bonds of bidders.....	45
where to be carried.....	363	on employes of United States becoming interested in Indian contracts.....	31
space.....	364	on rectifiers, liquor dealers, etc., carrying on breweries without license.....	60
berths, how and where built.....	364	for affixing imitation stamps on packages of liquor.....	61
light, air, ventilation, water closets.....	365	for fraudulently claiming drawbacks on manufactured tobacco.....	62
cooking, food.....	365	laws imposing penalties on internal-revenue officers, to whom to apply.....	61
hospital, surgeon, medicines.....	366	for violating civil-rights law.....	67
discipline, cleanliness, exercise.....	366	PENITENTIARIES (See Prisoners),	
prohibition of visiting.....	367	designation of, by Attorney-General, for convicts in United States courts.....	111
certain freight forbidden or regulated on arrival, no one allowed on board.....	367	transportation of convicts from District of Columbia.....	111
list of passengers to be delivered to officer of customs.....	367	convicts in, not to be hired out.....	539
deaths on board.....	368	to have deduction for good conduct, etc.....	89
inspection of vessel.....	368	erection of United States prisons.....	908
provisions also apply to vessels going from United States.....	369	rules for government of.....	909
penalty for leaving without clearance.....	369	PENNSYLVANIA,	
alien-passenger tax.....	370	terms of courts in.....	515
passengers on vessels between United States and Canada and Mexico exempt from tax.....	444	special provisions as to drawing jurors repealed.....	270
PASSPORT,		Philadelphia and Pittsburg, ports of immediate transportation.....	293, 294
fee to be collected for issue of, \$1.....	17, 582	salaries of customs officers at.....	35, 36
PATENT OFFICE AND PATENTS,		three gaugers at port of Philadelphia.....	90
Official Gazette may be exchanged for other publications.....	773	PENSION AGENTS (See Pensions),	
volumes of specifications and drawings to be furnished Departments.....	77	compensation of.....	notes 451, 482
restrictions as to binding not to apply to Patent-Office Library.....	221	laws reviewed.....	note 482
what prints or labels may be recorded in unauthorized use of patented designs.....	16	rooms for.....	670
penalty for violation.....	533	acting agent, when may be designated in case of vacancy.....	153
in patent cases, circuit court may submit questions of fact to jury.....	63	in absence or sickness.....	762
no money to be expended on certain inventions by Army officers.....	82	mailing checks to be payment in case of death.....	761
patents to public officers without fees for inventions for public use.....	82, 420	to deduct and pay fees to attorneys in certain cases.....	451
patents may be signed by Assistant Secretary of Interior.....	note 579	may pay Indians in silver.....	387
PAWNBROKERS AND JUNK DEALERS (See District of Columbia,—municipal regulations),		when may pay in cash.....	387
in District of Columbia to be licensed, etc.....	699		
license tax and rate of interest.....	910		

	Page.
PENSION AGENTS—Continued.	
payments quarterly in groups	933
official mail matter to be free	467, 468, 500
offices of, by whom may be examined	387
may designate clerk to sign checks	762
PENSIONS (See Pension Agents),	
official force,	
Commissioner to report annual additions and reductions	129
to report classification of pensioners of different wars	711
may examine agencies and boards of surgeons	387
first and second deputies, duties of and when may act as commissioners	note 374
clerks detailed to investigate pension frauds, pay of	73, 360
Commissioner may appoint examining surgeons	360
boards of surgeons	361
reviewing boards	361
fees of examining surgeons	361, 670
special examinations continued, but pensioners to have notice before reduction of pension	267
compensation of agent for paying pensions	451, 482
adjudication and payment of claims,	
biennial examination of pensioners abolished	267
special examinations continued	267
pensioners to have notice before reduction of pension	267
witnesses before, how summoned, etc.	360
powers of special examiners	933
oaths to vouchers to be administered free by United States officers	670
marriage, how proved	383
notorious adulterous cohabitation terminates widow's pension	383
soundness at enlistment presumed	482
no pension to officer or enlisted man of Army, Navy, or Marine Corps	933
embezzlement by guardian, how punished to whom payable on death of pensioner	893, 761
oaths in pension claims, by whom administered	762
proof of official character of officers administering oaths	762, 884
date of commencement of pensions	208, 257
pensions to be paid only to pensioner in person	386
to guardian of person under disability	386
to persons in foreign countries	386
to wife of insane pensioner	386
Indian pensioners may be paid in silver payments may be made in cash	387
payments to inmates of Volunteer Soldiers' Home, how made	381
of Soldiers' Home in District of Columbia	410
payment in case of death	410
pledge of pension certificate void	398
penalty	398
mailing check to be payment in case of death	761
rules of adjudication in parents' cases	760
wrongfully withholding pension	761
claims not barred after five years from filing	208
pensions, when payable to persons who had engaged in rebellion	147, 155, 524
attorneys in pension cases,	
certificate to be sent to agent for payment with contract for attorney's fee, which is to be deducted and paid	451
fee not to exceed \$25	451

	Page.
PENSION AGENTS—Continued.	
attorneys in pension cases—Continued.	
agreement may be filed	452
if no agreement, \$10 only	452
cases in which agreements may be recognized	452
fees in claims for increase	452, 933
fees in claims under special acts	452, 933
no fee for arrears of pension	209, 452
no fee for widow's and dependent's increase	488
form of agreement	452
penalty for illegal fee	453, 761, 933
agreements may be rejected for what causes	453
Secretary of Interior may regulate practice of attorneys	453
fees in claims where disability is not traced to service	761
laws granting and increasing,	
claims not barred after five years from filing	208
date of commencement of pension	256, 257
arrears granted	208, 256
rules to be adopted	208, 257
arrears to be graded according to disability	256
conditions of granting pensions to widows or children	383
soldiers, etc., of war of 1812, and widows	154
persons excluded	154
to soldiers and sailors of Mexican War	523, 524
widows, minors, and dependent relatives fixed at \$12 a month	487
certain widows excluded	488
allowed prior to July 25, 1866, not to be reduced, and those which have been reduced to be restored	292
allowed to soldiers, etc., in certain cases, although they had engaged in rebellion	147, 155, 524
extension of grant to dependent parents	760
pensions granted to disabled soldiers without regard to cause of disability	760
except, etc.	760
rate, commencement, and continuance	760
not to exclude other pension, but two not to be drawn for same period	760
pension to widows and children without regard to cause of soldier's death	761
children's pension to continue during disability	761
rate for lieutenant-commanders in Navy	193
petty officers in Navy	517
engineers in Navy according to relative rank	148
total blindness	15, 188, 261, 299
both hands	15, 188, 299, 642
both feet	15, 188, 299
injury resulting in total helplessness	15, 299
one hand and one foot	131
loss of one hand or one foot or equivalent disability	399, 511
loss of arm or leg	399, 511
permanent helplessness	707
incapacity for performing any manual labor	400
deafness	617
under special acts	11, 361
classification and division of disabilities	note 399, 400, 511
PERFUMERY,	
may be manufactured for export in bonded warehouse	853
distilled spirits, when may be withdrawn from distillery warehouse for manufacture of, without payment of tax	288

	Page.		Page.
PERIODICALS,		PORTS—Continued.	
postage on	246, 247	vessels with articles in bulk may unload at other places than port of entry	446
on foreign	247	in Alabama, Montgomery to be a port of delivery and to have deputy collector	99
when free of duty, how declared	746	in Alaska	337
PERMANENT APPROPRIATIONS,		in Arizona, Nogales a port of entry	720
for expenses of national loan, repealed	18	in California	346, 347
for salaries of Southern Claims Commission, repealed	201	port of Wilmington now changed from San Pedro	10
PERQUISITES,		Wilmington and San Diego ports of delivery, with transportation privileges	716
not to be received by civil officers	18	in Colorado, Denver a port of delivery	331
PERSONATING.		in Connecticut	558
falsely, etc., as United States officers how punished	425	Enfield a port of delivery	908
PHARMACY,		Bridgeport a port of immediate delivery	537
in District of Columbia, regulations of	183-186	in Florida, Key West and Tampa ports of entry and delivery, etc.	516, 711
PILOTS,		Tampa a port of entry	547
aliens who have declared intention to become citizens, etc., may be licensed to serve as, on steam vessels	8	in Georgia, Atlanta a port of delivery, with privileges of transportation in bond, and to have a surveyor	318, 319
license fee	335	in Illinois, Cairo a port of delivery	799
on certain steam launches one person may serve as, and as engineer	886, 887	Peoria a port of delivery	809
PLUMBING (See District of Columbia—municipal regulations),		Rock Island a port of delivery	805
in District of Columbia, inspector of, to be appointed	314	in Iowa, Sioux City a port of delivery, with privileges of immediate transportation	805
regulations in relation to, to be enforced by health officer	314	in Louisiana, one appraiser and two assistants at New Orleans	335
POISONS,		port of New Orleans extended	599
in District of Columbia not to be retailed without certain labels nor without inquiry and entry of, recorded	185	in Maine, Nobleborough to take name of port of Damariscotta	89
POLICE (See District of Columbia—police),		Mount Desert Ferry a port of entry in Frenchman's Bay district	491
at Capitol, additional force not to be employed	119	Rockport a port of delivery	720
watchmen in squares and public grounds to have power of police	374	Gardiner and Richmond ports of delivery	203
of District of Columbia, force of, how constituted	397	Aroostook district, what to comprise	316
jurisdiction, etc., over, transferred to Commissioners	178	Bangor district, what to comprise	316
pay of, to be fixed by Commissioners	202	imports for immediate transportation in bond may be entered at or transported to Portland and Bath	293, 294
matrons may be appointed for	599	in Massachusetts, Rockport a port of delivery	425
police regulations on specified subjects may be made by Commissioners	523	Springfield a port of delivery	805
powers of, extended over public squares and places	115, 350, 374	in Michigan, Cheboygan made a port of delivery instead of Duncan City	105
POLICE COURT (See District of Columbia),		Grand Rapids a port of delivery	588
of District of Columbia, provisions concerning	911-913	Grand Haven a port of entry	742
POLICY LOTTERIES (See Lotteries),		Cheboygan, Manistee, and Ludington ports of delivery	742
and policy shops in District of Columbia prohibited	158, 396, 397	in Minnesota, ports of entry and delivery	294, 585, 707
permitting houses to be used for	158, 396	salary of appraiser at St. Paul	note 118
POLITICAL CONTRIBUTIONS,		collectors, where to reside	585
penalty for certain officers for giving to or receiving from other officers money, etc., for political purposes	396	of appraiser at St. Paul	118
POLYGAMY (See Bigamy; Utah),		in Mississippi, East Pascagoula to be port of delivery	91
act for punishment of, and of bigamy in Territories	331-333	in Missouri, Kansas City and St. Joseph ports of delivery, with immediate transportation privileges	371
further provisions in relation to	568-574	in Nebraska, Lincoln a port of delivery, with privileges, etc.	789
alien polygamists prohibited from immigrating	934	in New Jersey, port of Trenton instead of Lambertson	587
PORTRAITS,		in New York, part of Hudson County, N. J., added to	221
on notes and securities of United States to have name engraved on	698	Patchogue, Long Island, to be a port of delivery	59, 60
PORTS (See Collection districts),		surveyor to be appointed for	60
at which imported merchandise may be entered for immediate transportation to inland ports	note 293	Albany a port of delivery, with privileges of transportation, etc.	705
to which merchandise may be so transported	note 294	immediate-transportation act; to what applicable	293, 294
provisions in relation to such merchandise, entry, transportation, etc.	293-295, 540	in North Dakota, Pembina a port of entry	881
		in Ohio, Portsmouth made a port of delivery	290, 300

	Page.
PORTS—Continued.	
in Ohio, Columbus a port of delivery, with privileges, etc	708
in Oregon	337, 489, 652
in Pennsylvania, three gangers to be appointed at Philadelphia	90
in South Dakota, Sioux Falls a port of delivery	881
in Tennessee, Chattanooga a port of delivery	318
port of Memphis extended	676
Nashville a port of entry, with privileges, etc	895
in Texas, San Antonio a port of immediate delivery	715
in Virginia, ports of entry and delivery	284, 346, 439, 492, 630
in Washington	489, 490, 789, 790
POSSE COMITATUS,	
Army not to be used for, except, etc	190
POSTAL SERVICE (See Postmaster-General; Post-Office Department),	
oath of all persons in	5
clerks and employes in, leaves of absence of	878
warrants may be signed by any officer designated	932
using mails for offering to sell or purchase counterfeit money, how punished	694, 695
fraudulently assuming fictitious address	695
how persons identified in such cases	695
contracts and mail service,	
all public roads and highways declared post routes	423
mail lettings to be upon advertisements	319
for star service, how advertised	164
only Virginia and Maryland routes to be advertised in District of Columbia	43
proposals for, to be accompanied by bond of bidder	44
and oath	44
penalty for postmaster illegally approving bond	45
sureties on bonds of bidders, how qualified	116
penalty for false swearing	116
proceedings on failure of lowest bidder to enter into contract	116, 117
provisions for release of bidders for carrying mail repealed	810
penalty for wrongfully failing to enter into contract	118
proceedings on failure or refusal of contractor to perform service	117
for carrying mails on water routes, how made	165
service may be extended 25 miles beyond termini	372
only once during contract term	372
may be continued six months beyond term	117
service not to be expedited at pay above 50 per cent. of contract rate	280
new sureties may be required on	250
contractors on different routes failing to perform one not to have pay for others	339
subcontracts without consent of Postmaster-General prohibited	165
to be filed	165
subcontractors, how paid	165
subcontractors to have lien on money due contractor by filing contract	339
for less than contract rate may be terminated	338
contractor not entitled to month's pay in such case	338

	Page.
POSTAL SERVICE—Continued.	
contracts and mail service—Continued.	
temporary service, contracts may be made when no regular contractor to perform service	266
may be employed when contractor fails	372, 373
cost to be charged to failing contractor	373
how advertised	319
not to be at higher price than paid to last contractor	117
mail-messenger Service may be employed in connection with railroads, steamboats, etc	557
for supplies not limited to one year	56
for mail transportation and supplies may be signed by Second Assistant Postmaster-General	135
for stationery, etc., may be signed by First Assistant Postmaster-General	135
for supplies of postage stamps, etc., may be signed by Third Assistant Postmaster-General	135
supplies for free delivery service may be contracted for four years	682
foreign mails,	
contracts for carrying, not to be for more than 2 years	166
may be combined in one route with inland service	483
half cost of transportation in steamships to be paid	932
contracts for carrying mails on American vessels to be made	905
vessels to be American built, owned, and officered	906
construction	906
classification	906
compensation for ocean service	907
naval officers may serve on mail vessels with furlough pay	907
payment for such steamers when taken for cruisers	907
laws arbitrarily requiring vessels to carry mails repealed	444
foreign periodicals, how admitted	247
not to be mailed in violation of copyright law	247
inspectors,	
name changed from special agents	296
number and compensation	186
increased to 12	932
per diem reduced to \$4	467
chief inspector to be paid traveling expenses	319
one to Superintend Railway Mail Service (See <i>Postal Service—Railway Mail Service</i>)	187
money orders and postal notes,	
fees for	406
maximum to be \$100	406
clerks for money-order business, employment and pay	406
employes to be paid from money-order funds for money-order work	483
blanks, books, etc., for money-order business to be obtained from lowest bidders under advertisement	405, 406
Public Printer and Bureau of Engraving and Printing may submit estimates for	406
unpaid for seven years to be reported	407
aggregate amount of, to be deposited in treasury	407
duplicates may be paid	407
in favor of lotteries, etc., forbidden	804
money to be returned	804

POSTAL SERVICE—Continued.

Page.

money orders and postal notes—Cont'd.	
international, maximum to be \$100	638
postal notes established, how payable	517, 518
when duplicates may be obtained	518
penalty for forging, etc.	518
for counterfeiting	593
for altering	593
for fraudulently issuing	593
for uttering forged, counterfeited, etc.	593
agent and assistants to distribute	405
money-order laws applicable to	405
postage and mailable matter,	
mail matter classified	246
first-class matter defined	246
on letters to be 2 cents an ounce	483
on drop letters	483
part-paid letters to be delivered on payment of deficiency by special stamps	249
on letters of soldiers, sailors, and marines	246
on postal cards	246
double postal cards	250
foreign postal cards	245, 296
addresses on postal cards and circulars	110
second-class matter defined	246
on newspapers and other periodicals	483, 484
when deposited in letter-carrier offices for delivery by their carriers	249
conditions of admission to second class	246, 247
affidavit to be taken by publishers, agents, etc.	43, 44
penalty for violation	44
penalty for submitting false evidence as to	593
what may contain	247
what marks permissible on	484, 577
postage, how paid	43
when sent by others than publishers, etc.	438
on Congressional Record, 1 cent	45
foreign periodicals, how admitted	247
in foreign mails, how delivered	247
bills and receipts may be inclosed in second-class matter	249
newspapers, etc., free to subscribers in county of publication	249
third-class matter defined	247
on printed matter	247
circular defined	247
fourth-class matter defined	247
on merchandise	247
regulations for wrapping second, third, and fourth class matter	249
writing, what allowed on second, third and fourth class matter	548, 577, 578
directions for transmitting, delivery, forwarding, or return, to be deemed part of address	578
penalty for inclosing matter of higher class in lower class	248, 578
special-delivery; stamps, hours of delivery, etc.	484
employment and compensation of messengers	484
extended to all mailable matter	511
messengers, who may be employed	512
allowance to postmasters	512
regulations, how prescribed	512
penalty for false returns	512
messengers to be deemed postal employees	512
stamped envelopes, what printing to contain	43
and wrappers to be sold at cost	110
letter-sheet envelopes to be printed	250

POSTAL SERVICE—Continued.

Page.

postage and mailable matter—Cont'd.	
stamps, envelopes, etc., not to be hypothecated	187
not to be sold for more or less than face value	187
penalty for violation	187
canceling stamps to be by uniform ink or appliance	203
penalty for using, etc., canceled stamps, etc.	249, 250
packages on Government business to be free	135
to be officially indorsed	136
all United States officers may send official letters free	467, 468
including Smithsonian Institution	468
official envelopes to be provided	136
penalty for private use	136
to be sent members of Congress	409
return envelopes may be inclosed in	468
Departments may register letters free	468
part-paid letters to be delivered to Departments free	468
mail to Census Office to be sent free	655
Census mail may be registered free	742
seeds from Department of Agriculture free	70
members and members-elect of Congress may send letters to any Government officer free	932
public documents may be sent and received by members of Congress, etc., free	136, 245
Congressional Record or any part free	70
official stamps abolished	468
indecent, libelous, etc., matter not mailable	621
penalty for mailing, etc.	621
obscene, etc., matter not mailable	621
penalty for mailing, etc.	621
lottery, gift enterprise, etc., circulars not mailable	803
newspapers, etc., containing lottery advertisements not mailable	803
penalty for mailing	803
jurisdiction of offenses	804
registered letters to lotteries, etc., may be returned	804
postmasters,	
classified	110
how appointed and removed	110
commissions of, to be recorded in Post-Office Department, etc.	5
bonds of, how approved	135
salaries of first-class	417, 418
at New York, \$8,000	70, 420
at Washington, \$5,000	420
second-class	418
third-class	418, 419
fourth-class	419
when to take effect	419, 420
of first, second, and third classes to be readjusted annually	420
to be in full, including money-order work	407
assistants, their salaries	680
person performing duties of, to receive regular compensation	250
at Presidential offices may be designated disbursing officers	339
at money-order offices may be designated disbursing officers	467
sureties on bonds of, to be notified of deficiency	214, 215
claims of, for loss of funds, stamps, etc., how adjusted	586
over \$2,000 to be reported to Congress	586

	Page.		Page.
POSTAL SERVICE—Continued.		POSTMASTER-GENERAL—Continued.	
postmasters—Continued.		when to readjust salaries.....	420
claims of, limitation in such cases.....	586	may designate any officer to sign warrants in his stead.....	932
commissions to be withheld when post- masters make false returns.....	186	annual report not to be published in pos- tal guide.....	374
form of affidavits to returns by.....	186	First Assistant may approve postmaster's bonds.....	135
penalty for false affidavit.....	186	may sign contracts for stationery, etc..	135
penalty for failure to affix postage-due stamps or account for postage-due collected.....	249	Second Assistant may sign contracts for transportation and supplies.....	135
post-offices.		Third Assistant may sign contracts for sup- plies, etc.....	135
no rent to be paid when building becomes unfit for use.....	483	Fourth Assistant.....	927
leases of, to terminate when office can be moved into public building.....	483	POST OFFICE DEPARTMENT (See <i>Postal Service; Postmaster-General</i>).	
rent, light, and fuel may be allowed third- class offices.....	600	postal receipts and expenditures to be in- cluded in finance report.....	811
for third-class offices limited.....	682	financial condition at close of each year to be reported.....	110
contracts for rent of third-class offices not to exceed one year nor amount appropriated.....	600	expenditures to be accounted for under each item of appropriation.....	70
persons may receive or deliver mail mat- ter at nearest office or postal car...	245	contingent-expenses appropriation not to be diverted.....	201
mail collection boxes not to be placed in private buildings.....	567	postmasters' commissions to be recorded in. superintendent of free delivery.....	5 43
assistant postmasters, clerks, etc., classi- fied.....	680-682	post-route maps, how sold.....	773
salaries, and how fixed.....	680-682	expenditures for, how vouched for, etc.. disbursement of money for, to be by bonded officer.....	187 187
promotions to be made annually with Postmaster-General's approval.....	682	pay rolls of topographer's office, how made out, etc.....	187
clerks in, to be classified under civil-ser- vice act, where 50 at any office.....	395	useless papers in, to be sold, etc.....	320
may be assigned to duty in any branch. and route agents, etc., not to be re- quired to wear uniform.....	483	POST TRADERS,	
and employés in first and second class offices, leaves of absence.....	245	one at each military post, on recommenda- tion, etc.....	113
free-delivery service, at what places pro- vided.....	878	when not to sell liquors.....	757
letter carriers classified.....	518	PREEMPTION (See <i>Lands, public</i>),	
appointment and promotion.....	519	laws for, repealed.....	942
salaries of.....	363	settlers may change to homestead.....	683
eight hours a day's work for.....	519	claims already filed to be perfected.....	942
to be paid extra for extra work.....	587	PRESENTS,	
entitled to leave of absence.....	587	not to be accepted for themselves or others by diplomatic or consular officers, etc.....	14
substitutes employed during leave of absence, salary.....	446	PRESIDENT,	
matter to persons not residents of place of address, how to be delivered.....	446	in case of death of Vice-President who to act.....	487
railway mail service,		electors of, provisions for meeting, voting, counting votes, etc.....	525-527
estimates for, how to be made.....	245	list of votes to be forwarded to President of Senate.....	635
mails, how weighed.....	70	when list held by district judges may be sent for.....	635
compensation reduced.....	110, 187	duties of, when American fishing vessels are denied rights in British Domin- ions of North America.....	555
land-grant railroads to receive only 80 per cent. compensation.....	110	may reserve parts of public lands for parks, etc.....	947
what trains to carry mails.....	246	clerk to sign name of, to land patents....	200
penalty on railroads refusing to trans- port mails on fastest trains.....	467	PRICES-CURRENT,	
postal cars, how constructed.....	246	to be furnished by consular officers to Sec- retary of Treasury.....	209
railways refusing to provide cars or safety appliances to have pay reduced.....	319	PRINTERS (See <i>Government Printing Office; Public Printer</i>),	
companies transporting mails to furnish certain data.....	246	at Government Printing Office, pay of....	129
superintendent of.....	187	on night work.....	934
to be paid traveling expenses.....	319	to have pay for certain holidays.....	note 303
assistant general superintendent author- ized.....	715	only skilled workmen to be employed.....	114
assistant superintendents.....	186	laws relating to Government Printing Office reviewed.....	note 934
additional superintendents authorized..	581	PRISONERS (See <i>Convicts; Penitentiaries</i>),	
chief clerk of.....	715	keeping and feeding in China, Corea, Japan, Siam, and Turkey.....	773
clerks in, classified.....	362	convicts to have deduction from sentence for good behavior.....	89
salaries, and how fixed.....	362		
POSTMASTER GENERAL (See <i>Postal Service; Post Office Department</i>),			
oath of.....	5		
to make all orders relative to salaries of postmasters.....	419		

	Page.		Page.
PRISONERS—Continued.		PROFESSORS—Continued.	
on discharge to be furnished with clothes and money	89	any Army officer may be assigned as professor of law	290
designation of penitentiaries for, by Attorney-General	111	no graduate to be, within four years	349
of District of Columbia, where to be confined	111	of mathematics in Navy to be examined before appointment	314
to have deduction for good behavior	708	engineers in Navy may be detailed as, in colleges	221
in Territories may be provided for in States or other Territories	299	PROTESTANT EPISCOPAL CHURCHES (See <i>District of Columbia—corporations</i>),	
PRISONS,		in District of Columbia; act concerning	7
three to be erected for United States prisoners, how conducted, etc.	908, 909	qualification of voters and officers	7
convicts in, not to be hired out	539	in case of newly organized parishes	7
PRIVATE LAND CLAIMS (See <i>Lands, public</i>),		vestries not required to meet at stated times and places	7
cost of survey of, to be defrayed before issue of patent	73, 115, 486	vacancies in, how filled	7
court of, established	917	powers of	7
justices of, appointment and compensation	917	wardens, how elected	7
process, how served	917	associate rectors in	7
attorney to be appointed for	917	existing organizations confirmed	7
other officers	917, 918	PUBLIC BUILDINGS (See <i>Buildings, public</i>),	
notice of organization	918	appropriations for, not to be covered into Treasury	18
records of General Land Office, etc., to be produced in	918	available until completion of work	51
testimony of persons now dead, when admitted	918	sites for, how selected	51
petitions, how and where presented	918	no appropriation for, by implication	380
contents of	918, 919	appropriations not to be exceeded	note 74, 75
jurisdiction and procedure	919	drawings and specifications, how made	74
proceedings to be according to equity practice	919	sites for, how acquired	420, 601
to determine title, location, etc.	919	contracts for heating	562
claimants claiming under title perfect at date of cession may apply for confirmation	919, 920	only one person to be employed for care of	562
appeals to Supreme Court	920	plans not to be approved till site selected	697
procedure on appeal	920	payments for sites, how made	697
final decree of confirmation to be certified to Commissioner General Land Office	921	proceedings in procuring title	697
survey of confirmed tract	921	details of expenditures to appear in Book of Estimates	791
proceedings on survey	921	compensation for disbursing funds for	78, 380
issue of patent	921	none for disbursement on account of sites	697
payment of expenses of survey	921, 922	nor on construction, except for moneys paid by disbursing agents	697
cities, towns, or villages may petition	922	PUBLIC DEBT,	
limitation of two years	922	Secretary of Treasury may at any time apply surplus money to purchase bonds	321, 356
powers of judges in vacation	922	repeal of permanent appropriation for expenses of	18
as to order, papers, witnesses, and contempt	922	PUBLIC DOCUMENTS (See <i>Documents</i>),	
rules of decision	922, 923	certain, to be sold by Public Printer at cost	311
if lands decreed to claimant have been granted by United States to another, money judgment may be rendered	923	may be bound for members of Congress at Government Printing Office	149, 382, 421
investigation by surveyor-general repealed	923	may be sent and received by mail free by Vice-President, Senators, Representatives, etc.	70, 136, 150, 245
township surveys, how to be made	924	to be sent to Soldiers' Homes by Secretary of Senate and Clerk of House	315
powers and functions of, to cease December 31, 1895	924, 925	PUBLIC LANDS (See <i>Lands, public</i>).	
PRIZE,		PUBLIC MONEY,	
allowance of prize money to officers serving as division commanders of fleets and fleet captains from April, 1861	12	appropriated for charitable purposes, to whose credit to be placed, and how paid out, etc.	42
appeals in cases of, to be to Supreme Court	903	PUBLIC OFFICERS (See <i>Civil Service</i>),	
PROCLAMATIONS,		executive, etc., prohibited from giving to or receiving from other officers, etc., money for political purposes	396
to be published in District of Columbia in one newspaper only	114	traveling expenses of	note 81
of sale of public lands, where to be published	127	PUBLIC PRINTER (See <i>Government Printing Office</i>),	
PROFESSORS,		may print extracts from Congressional Record	71
officers of Army and Navy may be detailed for, in colleges, etc.	221, 620, 887	may bind documents for members of Congress	149, 382, 421
at Military Academy who serve ten years to have pay of colonels	268	for departments	201, 209, 221
one, of modern languages, only	268		

	Page.
PUBLIC PRINTER —Continued.	
to print reports of Smithsonian Institution may reprint reports, etc., of committees of Congress upon payment of cost.....	486 515
to be appointed by President, etc., and with all powers, etc., of Congressional Printer	114, 119
not to print number of reports, etc., of de- partments beyond limit	41
nor expensive maps or illustrations with- out special order of Congress	41
nor unauthorized or unnecessary matter ..	469
to keep and report to Congress account of expenses of Congressional Record ..	56
of printing for Patent Office	382
may sell Congressional Record and Direc- tory	422
to advertise for proposals for furnishing paper, under direction of Joint Com- mittee on Printing	97, 114
to employ only skilled workmen	114
may employ three clerks to make estimates ..	202
to sell certain public documents at cost, etc.	311
to do printing of Surgeon-General's Office, Army	505, 582
Congressional Record, how distributed by	note 424
to furnish State Department with copies of bills, resolutions, and documents,	635
to print and distribute index to Congres- sional Record, and to employ editor ..	424
to print from time to time reports of Fish Commissioner	328
to furnish to Secretary of Senate, etc., cer- tain documents, laws, etc., for distri- bution to soldiers' homes	315
to enforce eight-hour law	582
PUBLIC PROPERTY (See <i>Public build- ings</i>),	
unproductive, etc., may be leased by Sec- retary of Treasury	251
embezzlement of, how punished	88
receivers and concealers of property em- bezzled, how punished	89
may be tried before or after conviction of principal	89
PUBLIC WORKS,	
in contracts for, by Secretary of War, pref- erence to be given to domestic ma- terials and labor	82
Q.	
QUARANTINE,	
vessels from infected ports, or with infected passengers, etc., entering the United States, subject to State laws and certain regulations	157
officers of State system to act as officers national system, when, etc.	157
State laws of, not to be interfered with ..	157
removal of station at Ship Island, Missis- sippi	581
stations established	601
punishment of offences upon	600
Secretary of Navy may place vessels at dis- posal of, authorities	273
QUARTERMASTER'S DEPARTMENT (<i>Army</i>) (See <i>Army</i> ; <i>Army, officer of</i>),	
of what officers to consist	69
military storekeeper abolished	69
promotions and appointments in	69
quartermaster to be detailed for cadets at Military Academy, etc	115
vacancies may be filled from civil life ..	400
sixth-class clerk in, abolished	482

	Page.
QUARTERMASTER'S DEPARTMENT (<i>Army</i>)—Continued.	
army-service men in	759
Quartermaster-General to continue to ex- amine, etc., claims for stores fur- nished Army by loyal citizens, etc ..	14
QUARTERS (<i>Army</i>),	
where may be furnished	190
commutation of	190, 267, 348
no allowance for, to servants	267
QUORUM,	
three judges of Court of Claims required for, to render decision in any case ..	47
two of District of Columbia Commissioners to be	955
R.	
RAILROADS (See <i>Interstate commerce</i> ; <i>Pacific railroads</i> ; <i>Postal Service</i> ; <i>Railway Mail Service</i>),	
boards of arbitration to adjust differences between, and their employes	622-625
to pay cost of survey of lands granted to ..	115
facts concerning, to be included in census ..	259
interstate commerce laws relating to	529-533, 684-690
pay for carrying mails	187
unearned land-grants to, forfeited	808, 809
extension of time for entries of homesteads surveyed lands of grants not exempt from taxation	501
sold for taxes subject to lien of United States	501
may be purchased by United States	501
right of forfeiture not affected	501
land-grant roads not to be paid for trans- portation of troops, etc	81
certain, to be paid in accordance with Supreme Court decisions	375, 376
may bring suits in Court of Claims, with right of appeal, etc	82
to receive only 80 per cent. as much as other roads	110
adjustment of grants to be made by Secre- tary of Interior	564-566
reduction of compensation of, for transpor- tation of mails	110, 187
refusing to furnish postal cars or not carry- ing mails on fastest trains to have pay reduced	319, 320, 467
carrying mails to furnish certain data to Postmaster-General	246
in Indian Territory may cross other lines, etc	881-883
provisions regulating	881-883
relinquishing lands in their grants entered for homestead or preëmption may select other lands in lieu of same ..	38
right of way through public lands granted to, and provisions concerning same ..	91
certain, to transmit telegrams for army ..	267
settlers on railroad lands restored to public domain may purchase, when	313
price of lands	683
homestead entries on public lands within grants to	257
not to transport diseased livestock	436
subsidized, to maintain telegraph lines ..	602-604
mortgages on, in which United States have interest may be redeemed by Secre- tary of Treasury	357
Pacific roads , required to use roads and telegraphs as continuous line, and to allow equal advantages, etc., to each road	19

	Page.		Page.
RAILROADS—Continued.		RECIPROCITY,	
Pacific roads, Union Pacific Road and branches failing to comply with above provisions, parties may have action for damages.....	19	with Hawaii.....	121, 910
cost of surveys of land granted, to whom payable.....	502	with countries producing sugar, molasses, coffee, tea and hides.....	856
Denver Pacific Road, for above purposes, to be part of Kansas Pacific Road... to pay required percentage due United States on net earnings.....	19	RECORDER OF DEEDS (District of Columbia),	
suits to be instituted against.....	40	to be appointed with advice and consent of Senate.....	130
settlement of accounts at Treasury Department.....	254	may appoint deputy.....	128
net earnings, how ascertained.....	160, 161	deputy to act in case of vacancy.....	128
compensation to be retained.....	161	no additional expense or fees allowed....	128
sinking fund established.....	161	to note on deeds, etc., day and hour of delivery.....	158
credits and payments.....	162	when to take effect, as against purchasers, etc., without notice.....	158
no dividend on default.....	162	RECORDER OF LAND TITLES,	
liabilities of officers, etc.....	162, 163	for Missouri abolished.....	11, 115
application of sinking fund.....	162	records of, to be transferred to State... ..	11
forfeiture of franchise, in certain cases..	163, 164	power, etc., of, transferred to Commissioner of General Land Office.....	11
sinking fund, additional provisions for investment of.....	557	RECORDS,	
repeal of provisions requiring certain ports of.....	194	lost or destroyed, in proceedings to restore same; notice to nonresidents.....	211
companies which have received bonds or lands from United States to make reports and submit books.....	195	certified copies of official papers on file in any department may be filed, etc., as original where United States are parties.....	211
penalty for neglect.....	195	force and effect of papers restored, etc..	211
act to apply to assignees of such roads..	195	in cases in which United States are interested, steps to be taken for restoration of.....	211
Commissioner of Railroads	194, 320	compensation of clerks and attorneys in such case.....	212
salary, assistants, and clerks.....	194	RECTIFIERS, (See <i>Internal revenue; Distilled spirits.</i>)	
expenses of, etc.....	194	may purchase less than 20 gallons at sales by officers of courts, etc.....	229
his duties.....	195	of less than 500 barrels a year to pay tax of \$100.....	229
to make annual report.....	195	to make returns to collectors.....	233
RATIONS,		punishment for fraud committed or attempted by or in aid of.....	233
in Navy, desiccated tomatoes may be substituted for desiccated potatoes.....	282	and wholesale dealers in liquor to return transcripts of books to collectors... ..	233
in Army, vegetables added.....	758	to give notice of intent to rectify.....	235
REBELLION (See <i>Volunteers</i>).		REFORM SCHOOL (District of Columbia),	
pensions allowed to soldiers, etc., in certain cases, who had engaged in.....	147	how governed.....	101
to those who were stricken from rolls on account of.....	155	officers of, and their powers.....	101
to widows and orphans of same who have died.....	155	a Commissioner of District to be trustee... ..	296
persons in, not excluded from Mexican war service pension.....	524	to report to District Commissioners.....	321
RECEIVERS		consulting trustees.....	104
of national banks (See <i>National Banks</i>).		commitment of boys to.....	102, 103
when may be appointed.....	107	farm and shop proceeds, how disposed of..	777
to turn over assets of bank to agent of stockholders after all debts are paid..	107	when school is full, commitments suspended.....	102
may purchase property in which bank has equities.....	488	enticing away or harboring boys committed, how punished.....	103
of public money in land districts (See <i>Land districts; Lands, public.</i>)		police court may arrest boys escaped.....	103
to notify Commissioner when timber is unlawfully cut from public land..	167	boys in, to be employed.....	103
in case of vacancy, remaining officers may take proof of entry.....	883	may be apprenticed.....	103
fees for certificate in donation cases....	313	contracts for, how made.....	104
for making plats of townships for private parties.....	402	president of board to be executive officer..	104
to examine saline lands.....	127	by-laws.....	104
in Alaska, duties performed by a commissioner.....	433	District to pay for support of boys at... ..	103, 253, 254
limitation of compensation.....	563	Girls' Reform School made a corporation..	596
appointment of (all acts authorizing the appointment of receivers in new districts are indexed under <i>Land districts</i>).		former laws applicable to.....	596
RECEIVING BOXES,		officers, property, etc., of.....	596
for mail not to be in private buildings unless open to the public in business hours or a railroad station.....	567	REFUND OF TAXES, DUES, etc. (See <i>Customs; Drawbacks; Internal revenue</i>).	
		allowance may be made to owners of stills, etc., wrongfully destroyed.....	234
		of assessments for deficient production, etc., in certain cases.....	235
		of taxes on spirits destroyed by fire.....	235

	Page.
REFUND OF TAXES, DUES, etc.—Continued.	
power of Secretary restricted in authority to refund customs duties paid	82, 754
to refund fines, etc., illegally assessed	445
of tonnage dues, when exacted contrary to treaty stipulations	196
REGISTER (Biennial),	
twenty-five hundred copies to be printed	150
to be made up as of July 1	298
how distributed	150, 575
no extra pay to clerk for compiling	376
REGISTER OF TREASURY,	
salary of, and of assistant and deputy	note 75
deputy of, to perform duties of chief clerk	76
REGISTERS (of land districts),	
in Alaska, duties performed by a commissioner	433
to notify Commissioner when timber is unlawfully cut from public land	167
in case of vacancy remaining officers may take final proof	883
to notify contestants when entries have been canceled	282
to examine, etc., saline lands	127
fees of, for final certificates in donation cases	313
duties of, as to receiving certificates of Florida, Louisiana, and Missouri private land claims, etc.	210
for making plats of township for private parties	402
limitation of amount allowed to be retained	563
appointment of (All acts authorizing the appointment of registers in new districts are indexed under <i>Land districts</i>).	
REMISSION OF PENALTIES, DUTIES, AND TAXES (See <i>Refunds</i>),	
incurred under laws relating to life-saving service and loss of vessels	30
fines, forfeitures, etc., under customs laws before judge, etc.	34
by Secretary of Treasury	35
applicants for, to notify district attorney and collector, who shall furnish information to Secretary of Treasury	35
of tax on spirits destroyed by fire	235
not to be remitted when fully insured	228
under laws relating to vessels or seamen	445
REMOVAL OF ACTIONS (See <i>Circuit courts</i>),	
from State courts	277
in what cases allowed	612, 613
proceedings in such cases	83, 84, 612, 613
no appeal from order remanding to State court	613
RENT (See <i>Buildings, public</i>).	
REPORTING,	
proceedings of Congress, pay for, limited	31
decisions of Supreme Court	374, 642, 643
REPORTS,	
of departments to be printed in limited number	41
REPRESENTATIVES (See <i>Congress; House of Representatives</i>),	
when seats are contested, not to be omitted from pay roll	74
act relating to contested elections	553, 554
allowance to contestants limited	252
taking of testimony, etc., in contested elections of	69
certain States, need not be elected at uniform time prescribed	76

	Page.
REPRESENTATIVES—Continued.	
may send public documents, seeds from Agricultural Department, etc., by mail free	70, 136, 150, 245
till nine months after term expires	245
monuments to deceased	104, 105
RESERVATIONS (See <i>Indian Lands and reservations; Lands, public; Military posts and reservations</i>),	
sale of abandoned and useless military reservations	453-455
timber depredation on, how punished	588
unlawfully cutting trees on, breaking fences, driving cattle on, &c.	91
RESERVOIR,	
sites on public lands reserved from sale	792
restricted to land necessary, etc.	945
RESUMPTION OF SPECIE PAYMENTS,	
to begin January, 1879	58
RETIRED OFFICERS (Army) (See <i>Army, Officers of</i>),	
after forty years' service or sixty-four years old	348, note 349
laws authorizing, explained	400
rank of those retired before March 3, 1875, for wounds received in action	96
to be continued although they accept office in diplomatic or consular service	96, 925
retirement of paymasters	455
of privates and noncommissioned officers	810
transfer from limited to unlimited list	894
limited list fixed at 350	894
REVENUE MARINE,	
promotions and increased pay for, prohibited	377
cadet third lieutenant for	114
officers of, may be detailed as inspectors of life-saving stations	192
revenue cutters to be exclusively for public service	469
detail of officers, etc., for fish commission	486
detailed estimates of service to be submitted	note 626, 697, 698
officers of, may be detailed for duty in life-saving service	650
REVIEW (See <i>Appeals; Circuit courts of appeals; Supreme Court; Writs of error</i>),	
of cases in Supreme Court from circuit courts on findings of fact	63
on constitutional questions, without regard to amount	note 901, 903
of all cases under civil-rights act may be had in Supreme Court	68
in jurisdictional cases, without regard to amount	650
REVISED STATUTES,	
to be so entitled and labeled	21
first edition	20, 21, 22, 57
second edition, provisions for editing, publishing, and distributing	133, 204, 261
contents of, how far evidence	134, 153
sale by Secretary of State	205
arrangement with booksellers	63, 205
additional copies, when to be printed	205
Supplement to, provisions for editing, publishing, etc.	note 311, 712
to be sold at cost, etc., by Secretary of State	312, 712
to be prima facie evidence	312, 712
of District of Columbia, provisions for publishing, etc.	20
errors in, corrected	130

	Page.		Page.
RHODE ISLAND,		SAVINGS BANKS,	
assistant superintendent of life-saving sta-		under laws, to make public reports.....	108
tions on coast of	29	in District of Columbia subject to national-	
RICE,		banking laws	109
warehouses for cleaning and storing, for		SCHOOL FOR CAVALRY,	
export may be established.....	6	to be established by Secretary of War....	525
RIVERS AND HARBORS (See <i>Missis-</i>		SEAL FISHERIES,	
<i>issippi River; Missouri River</i>),		salaries of agents	73
obstructions to navigation of, by bridges,		two assistant agents in Alaska discon-	
wharves, deposits, etc.....	801-803	tinued.....	115
shipping statistics to be furnished where		months designated for taking seals, and	
public works are carried on	note 895	number which may be taken on	
punishment for injuring works for im-		islands of St. Paul and St. George... ..	6
provement of	118, 802	killing fur-bearing animals in Bering Sea	
Mississippi, Missouri, and Ohio Rivers		prohibited.....	701
added to jurisdiction of Light-House		SEAMEN,	
Board	42	meaning of word as used by laws relating	
two or more works on, may be included in		to marine hospitals	94
same contract.....	800	board of, after discharge and before ship-	
deflection of water by piers and of bridges		ment, how collected.....	584
to be investigated.....	610	sick and disabled on vessels, foreign or not,	
obstruction to navigation by, to be pro-		subject to dues, may be admitted to	
vided against.....	800	marine hospitals.....	95
report of engineers on improvements in,		allotment of wages by	493
when to be made and printed	610	advance payment to, prohibited.....	442
lights not required on boats and skiffs on		provisions as to payment of wages to,	
St. Lawrence River	496	etc	440, 441, 493
owners of saw-mills on St. Croix River		to be returned to United States, etc	441,
may construct piers, etc.....	338	442, 497, 584	
names of civil engineers employed in river		hospital tax on, abolished.....	443
and harbor improvements to be re-		how admitted to Marine Hospital.....	443
ported to Congress.....	515	transferred to insane asylum.....	95, 298
condemnation of land for improvements..	584	engagement of.....	444
		in Navy, trusses for, when to be furnished.	
		maimed, to have artificial limbs, and	
		transportation to obtain same.....	122
		honorably discharged to have home on	
		any receiving ship for three months.	640
		SEARCHES AND SEIZURES (See <i>Cus-</i>	
		<i>toms; Imports</i>),	
		of concealed goods upon which duties are	
		not paid.....	337
		SEAT OF GOVERNMENT (See <i>District</i>	
		<i>of Columbia</i>).	
		SECOND ASSISTANT POSTMASTER-	
		GENERAL (See <i>Postal Service;</i>	
		<i>Postmaster-General; Post-Office De-</i>	
		<i>partment</i>).	
		SECOND COMPROLLER (See <i>Comp-</i>	
		<i>troller</i>).	
		SECRETARIES (See <i>the several Depart-</i>	
		<i>ments</i>),	
		of Senate, may administer oaths to officers	
		and witnesses.....	99
		may send and receive public documents	
		free of postage.....	136, 245
		to furnish certain documents to Soldiers'	
		Homes.....	315
		of legations, not to be absent without	
		leave, etc.....	14
		not to correspond with private parties	
		on public business	14
		nor recommend persons for employment	
		nor accept presents for themselves	
		or others	15
		salaries of.....	note 209
		at Paris to have allowance for certain	
		fees collected from invoices	13
		of Territories, to furnish annual estimates	
		to Secretary of Treasury	17
		to Admiral or Vice-Admiral, on sea ser-	
		vice, not to be appointed from civil	
		life	159
		how detailed from officers of Navy.....	159
		SEEDS,	
		may be mailed free by Congressmen, etc..	70
		to be supplied to members of Congress ..	773

S.

SAILORS (See <i>Seamen</i>),	
artificial limbs for, and transportation to	
obtain them	122
to be furnished every three years.....	947
commutation for, without fee to agents...	927
SALARIES,	
repeal of law increasing salaries and resto-	
ration of former compensation.....	note 2
lapsed, to be covered into the Treasury...	375
of judges payable monthly	note 320, 927
of all district judges to be \$5,000 a year ..	596
of Superintendent of Government Hospital	
for Insane	321
of supervising surgeons of marine hospi-	
tals.....	78
of officers in Treasury Department.....	75
compensation of collectors of internal	
revenue	224, 225
of deputy collectors.....	224
of gaugers.....	200
of storekeepers	119, 267
in diplomatic and consular service.....	note 209
of agents of seal fisheries	73
in customs service,	
of collectors, naval officers, and survey-	
ors of customs	35, 36
of appraiser at St. Paul, Minn.....	note 118
of naval officers at Baltimore and New	
Orleans	220
of inspectors	292, 321
of surveyors	221
SALINE LANDS,	
to be sold, except in certain States.....	127
to be examined by registers and receivers	
of land districts	127
SALMON,	
not to be taken from Potomac River in	
District of Columbia except with	
hook and line.....	280
SANDWICH ISLANDS,	
certain products of, admitted free of duty.	
provisions not impaired by tariff act	121
	910

	Page.
SEIZURE,	
of books, etc., in case of suspected smuggling, not allowed	32
of merchandise entered in violation of laws in regard to invoices; how made, and proceedings thereon	32
burden of proof	753
SENATE (See <i>Congress</i>),	
printing and distribution of Journal	634
presiding officer of, may administer oaths to Senators, officers, and witnesses ..	99
Secretary of, and chief clerk may administer oaths to officers and witnesses ..	99
member of either House may administer oaths to witnesses	446
members of, and Secretary may send and receive public documents, etc., free by mail	136, 150, 245, 453
may send letters free to officers of Government	932
monuments to be erected to deceased members	104, 105
Sergeant-at-Arms to receive no fees	16
Secretary of, to furnish certain documents to soldiers' homes	315
payments from contingent funds of	254, 627
none as additional salary to employes ..	627
fiscal year for adjustment of accounts of Secretary, what to include	877
official reporter of, to have five bound copies of Congressional Record	328
pay of members elect before qualification ..	421
officers or employes of, not to be paid extra ..	376
SERGEANT-AT-ARMS,	
of Senate and of House of Representatives not to receive fees	16
of House of Representatives, duties of, prescribed	876, 877
SET-OFF (See <i>Off-set</i>),	
Judgments and claims against United States subject to offset of debts due from creditors	90
proceedings in such case	90
SHAD,	
not to be sold, etc., in District of Columbia from June 10 to January 1	280
SHERIFFS,	
of Utah Territory may serve processes	43
SHIPPING ARTICLES,	
in Navy, to contain provisions respecting discharge, etc., at expiration of term of service of enlisted men, etc.	94
in merchant service, what to contain	780
SHIPPING COMMISSIONERS,	
shipment of crews in coastwise trade	780
to be appointed by Secretary of Treasury ..	445
to report receipts, etc	445
duties	445
fees of, abolished in certain cases. <i>note</i> 492, 493, how paid	583, 493
SIGNAL SERVICE,	
civilian duties of transferred to Agricultural Department as the Weather Bureau ..	879
Signal Corps to remain part of Military Establishment	879
officers of	880
appointed after examination	880
vacancies filled by transfer from line ..	880
enlisted men, force of	880
deposits of savings by enlisted men of, how charged, etc	793
detail of Army officers for	793
purchase of subsistence stores for	793
the whole monthly payment of enlisted men to be by one check	793
Chief Signal Officer to have control of certain telegraph lines	74

	Page.
SIGNAL SERVICE—Continued.	
report of receipts and expenditures on telegraph lines to Secretary of War ..	74
Chief Signal Officer to be brigadier-general	298
duties confined to military matters	879
may be detailed to take charge of Weather Bureau	879
returns to be made of stores, etc	630
rules and regulations to be made	630
men of, not to receive extra pay unless ..	202
not to duplicate work of other departments	380, 486
appropriations for to be expended under Secretary of War	380
to be made with those of other staff corps of Army	881
and to be disbursed by bonded officer detailed	792, 793, 896
appropriation for Army not to be used for, except, etc	481
scientific instruments may be loaned to, by Secretary of Navy	634
all disbursements for, to be audited by Third Auditor and Second Comptroller	793
SILVER,	
coin to be transported free	380
standard of	<i>note</i> 152
fifty millions subsidiary coin to be issued ..	124, 125
dollars to be coined and to be legal tender ..	152
trade dollars not a legal tender	124
not to be coined or issued	568
purchase of bullion for	125, <i>note</i> 774, 775
bullion fund limited	125
not to be used in payment of gold certificates	152
certificates for, to be issued	152
in small denominations	563
receivable for customs taxes	152
to be held as part of bank reserves	357
no bank to be member of clearing house where silver certificates not receivable	357
to be issued and fractional currency withdrawn	58, 98, 264
coins of less than \$1 each may be exchanged for lawful money	264
may be obtained in exchange for lawful money	264
legal tender to amount of \$10	264
monthly purchase of silver bullion	774
issue of Treasury notes thereon	774
coinage of, purchased	775
policy to maintain gold and silver on a parity	775
repeal of law requiring coinage	775
counterfeiting coin or bars, how punished ..	128
making die or mold for	890
having similitude of coin	891
counterfeit coins forfeited	891
SINKING FUND,	
fractional currency redeemed to be computed as part of, and to bear interest ..	99
of the Pacific Railroads, provisions concerning	160-164
how invested	557
(See <i>Pacific railroads</i> .)	
SIXTH AUDITOR (See <i>Auditors; Postal Service</i>),	
to notify sureties on postmasters' bonds and Postmaster-General when deficiencies in accounts are discovered ..	214
how to keep post-office accounts	70
in case of lawful sublettings of mail contracts, copy of contract to be filed with, and notice given to	165

	Page.		Page.
SIXTH AUDITOR —Continued.		SOUTH CAROLINA,	
to report annually to Congress, and what report to show.....	110	office of assistant treasurer at Charleston, abolished.....	120
useless paper in office of, may be sold.....	373	provisions as to courts in..... note 638-640, 718	718
SMITHSONIAN INSTITUTION,		SOUTH DAKOTA,	
acting secretary; how appointed in absence, resignation, etc., of Secretary.....	428	formed by division of Dakota.....	545
to have archives, etc., relating to Indians, collected by geographical and geological surveys.....	252	admission of South Dakota as a State....	645
Regents of, may have use of Library of Congress.....	96	constitution.....	646
detailed report of expenditures of.....	626	grants of land.....	316, 646-649
reports of to be printed at Government Printing Office.....	486	judicial districts and terms of court.....	649, 705, 706
SMUGGLING (See <i>Customs</i>),		surveyor-general for.....	713
seizure of books, etc., in case of suspected, not allowed.....	32	Huron land district.....	334
compensation allowed for detection of.....	32	Aberdeen district.....	335
defined, as used in above provisions.....	32	Watertown district.....	335
SNUFF (See <i>Internal revenue; Tobacco</i>),		Pierre district.....	415
tax on.....	864	Chamberlain district.....	416
tariff on.....	830	Sioux Falls a port of delivery.....	881
manufacturers of, to furnish statement to collectors before commencing.....	237	SOUTHERN CLAIMS COMMISSION,	
to give bond, etc.....	237	repeal of permanent appropriation for....	201
to obtain certificate.....	238	SPEAKER (of House of Representatives),	
penalty for neglect.....	238	to control Architect of Capitol respecting machinery, etc., for heating and lighting, etc., House.....	320
record of, how kept by collectors.....	864	SPECIAL AGENTS (See <i>Agents</i>),	
factories to be numbered.....	865	in customs service, number and compensation of.....	927
packages of, how put up.....	239	in internal-revenue service, number to be employed..... 223, 224, 373, 468, 485	485
not to apply to those for exportation.....	239	to see that laws are enforced.....	223
to have label affixed to packages.....	405	in Post-Office Department, their number and compensation.....	186
not to be sold except in authorized packages.....	864	one only to be superintendent of Railway Mail Service.....	187
assessment of tax on, when removed without stamps.....	239	(See <i>Post-office inspectors.</i>)	
imported scraps, cuttings, etc., of tobacco may be transferred to manufacturers of, without payment of tax.....	239	for seal fisheries in Alaska.....	73, 115
peddlers of, provisions concerning..... 239, 863	239, 863	SPECIAL DELIVERY (See <i>Postal Service, —post-offices</i>),	
drawback of tax paid on, when same is exported.....	240	of letters and other postal matter..... 484, 511, 512, 638	638
withdrawal of, for export..... 61, 385, 386, 391, 511	61, 385, 386, 391, 511	SPECIAL TAXES (internal revenue),	
reimported, to pay internal-revenue tax.....	848	(See <i>Internal Revenue, —special taxes</i>),	
SOLDIERS (See <i>Army, Enlisted men of; Pensions; Volunteers</i>),		no special tax on sales of spirits by officers of courts, fiduciaries, retiring partners, etc., nor wholesale tax on sales of entire stock by retailer.....	228, 229
maimed, to have artificial limbs and transportation to obtain same, or commutation.....	122, 927, 947	rectifiers and dealers may purchase in such case in quantities greater than 20 gallons.....	229
headstones to be furnished for, and records kept.....	214	rectifiers of less than 500 barrels a year to pay tax of \$100.....	229
bounty to colored.....	252, 578	on retail liquor dealers.....	229
bounty to soldiers enlisted prior to July 22, 1861.....	598	on wholesale dealers of spirits.....	229
trusses for, when to be furnished.....	244	but distillers not liable as wholesale dealers.....	229
pay rolls of volunteers to be transmitted to War Department.....	697	on retail dealers in malt liquors.....	229
National Home for Disabled Volunteers (See <i>Home for Disabled Volunteers</i>).		on wholesale dealers in malt liquors.....	229
SOLDIERS' HOME,		brewers not subject to dealers' tax.....	229
in District of Columbia,		not payable by vintners of wine of their own growth, and apothecaries, etc.....	230
board of commissioners.....	410, 411	may be issued to retail dealers on railway trains.....	123, 124
inspection.....	410	for manufacturers of wooden stills by distillers for their own use not liable to.....	289
pension of inmates.....	410	on dealers, manufacturers, and peddlers of tobacco and manufacturers of cigars revealed.....	862
outdoor relief.....	411	SPECIE PAYMENTS,	
officers of.....	411	resumption of, January 1, 1879, provisions for.....	58
funds, how deposited, and to bear interest.....	411	SPIRITS (See <i>Distilled spirits</i>).	
custodian of funds of.....	887	STAFF CORPS,	
when principal may be used.....	411	in Army, repeal of law suspending promotion in.....	134
borrowing prohibited.....	411	(See <i>Army; Army, officers of</i>).	
liquor licenses prohibited within 1 mile of.....	900	STAMPS (internal-revenue),	
SOLICITOR,		(See <i>Internal revenue</i>),	
of State Department, title of office.....	927	Commissioner may establish and change form of, manner of attaching, etc....	243
Secretary may prescribe duties of.....	17		

	Page.
STAMPS (internal-revenue) —Continued.	
to be transmitted through mail in registered packages.....	119
on checks, matches, proprietary articles abolished.....	405
special-tax, may be issued to retail liquor dealers on railway trains.....	124
brewers', how to procure, affix, and cancel..	93
penalty for neglect to affix, etc.....	93
on casks of distilled spirits for export.....	13, 288
for grape brandy to be affixed to packages before removed from distillery.....	139
on packages of spirits filled on premises of wholesale dealer.....	120
penalty for affixing imitation, on packages of distilled spirits.....	61
imported liquors to have internal-revenue, affixed to packages.....	236
forfeited if found without.....	236
casks of, when filled on premises of wholesale dealer, to have special, affixed..	236
on, to be effaced, etc., penalty for neglect, 236,	237
penalty, etc., for using, dealing in, etc., stamps on.....	237
when spirits are sold for taxes and proof is so low that they are of less value than tax, same may be restamped....	234
assessment of tax on tobacco, snuff, and cigars removed without the use of..	239
on cigarettes.....	864
penalties for counterfeiting or fraudulently using.....	235, 242
for various other offenses relating to.....	242
what is prima facie evidence of marking, restoring, etc.....	243
collectors to account for tax-paid, receive commissions, etc.....	288
to make returns.....	288
how charged with other.....	288
how to collect pay, account, etc., for export.....	288
export stamps for tobacco, snuff, and cigars.	385
STAMPS (postal) (See <i>Postal Service</i>),	
Postmaster-General may adopt uniform ink or appliances for canceling.....	203
restriction on postmasters and others in postal service as to sale of.....	187
stamped envelopes and newspaper wrappers not to be sold for less than cost.	110
stamped envelopes to contain no printing except request to return.....	43
special, for payment of balance of part-paid letters by mail.....	249
penalty for not canceling, and for reusing no official, to be issued.....	249, 468
STATE, DEPARTMENT OF (See <i>State, Secretary of</i>),	
Third Assistant Secretary, appointment and salary.....	17
Secretary may prescribe duties of assistant secretaries, Solicitor, etc., of.....	17
Examiner of Claims to be Solicitor.....	927
fee for issue of passports..... note 17,	582
commercial reports printed by, may be sold.	298
what not to be published.....	469
library of, not subject to restrictions of binding.....	228
STATE, SECRETARY OF,	
to estimate for entire amount for diplomatic service.....	351
may prescribe duties of assistant secretaries, solicitor, clerks of bureaus, and employes, make changes, etc.....	17
to charge fee for passports..... note 17,	582
to designate newspaper in D. C. for publication of proclamations and treaties ..	114

	Page.
STATE, SECRETARY OF —Continued.	
may rent buildings at Peking, China, for legation.....	37
to approve certain sureties on consular bonds.....	13
to distribute fees received at legation in Paris from invoices.....	13
to establish time allowed to diplomatic and consular officers for transit.....	13
to receive and preserve bills, orders, resolutions, etc., becoming laws.....	57
to cause Statutes at Large to be stereotyped, printed, and kept on sale....	77
to keep on hand copies of Revised Statutes for sale (See <i>Revised Statutes</i>).....	205
may make arrangements with booksellers for sale of Revised Statutes.....	64, 205
to keep and sell Supplement to Revised Statutes on same terms.....	312
STATES (See <i>the several States</i>),	
appointments of clerks, etc., to be apportioned among.....	76, 375, 392, 772
agricultural experiment stations of, at colleges, how aided by Government ..	550-552, 930
home for disabled soldiers, etc., to be aided.	617, 618, 698
laws of, giving remedies for improvements by occupants of land under color of title to apply in Federal courts.....	16
having libraries to receive Congressional Record.....	387
suits removable from, to circuit courts of United States.....	612
previous attachments, bonds, etc., to remain valid.....	83
improperly removed may be dismissed or remanded.....	84
proceedings thereon, filing copies, etc.....	84
Secretary of War to issue arms to ..	124, 164, 205
annual appropriation for supply of arms, stores, etc., to militia of.....	537
and ammunition.....	48
to furnish guns and mortars to certain States.....	344
quarantine laws, etc., not to be interfered with.....	158
vessels from infected ports or with infected passengers on board, etc., subject to.....	157
officers of State quarantine systems to act as officers of national systems, when, etc.....	157
STATISTICS,	
Bureau of, Chief of, to collect, relating to railroads and transportation and publish reports.....	71
STATUTES (See <i>Acts of Congress; Revised Statutes</i>),	
to be preserved by Secretary of State.....	57
provisions concerning publication and distribution of.....	21, 77, 411
of Revised Statutes, first edition.....	20, 21, 22, 57
second edition.....	63, 133, 134, 153
of District of Columbia.....	20
errors in, corrected.....	130
of Supplement..... note 311, 312, note	713
to be prima facie evidence.....	312, 713
furnished officers of courts to be public property.....	382
STEALING,	
public property declared felony, etc.....	88
concealers and receivers of stolen property, how punished.....	89
may be tried before or after principal ..	89

	Page.		Page.
STEALING —Continued.		SUBSISTENCE (Army),	
or injuring, etc., books, pamphlets, etc.,		stores for sale to Army may be purchased	
in Library of Congress or in any public		from appropriation for subsistence.	77, 78
library in District of Columbia		proceeds of sale not to be covered into	
or belonging to United States	195, 196	Treasury, etc.	78
STEAM ENGINEERS,		SUGAR (See <i>Tariff of 1890</i>),	
in District of Columbia to be licensed	545, 546	bounty on	828, 830
board of examiners for, and other provisions	545, 546	inspectors for payment of	926
STEAM VESSELS (See <i>Vessels</i>),		manufacturers of, from sorghum may remove	
license fee of, to masters, mates, engineers,		distilled spirits from warehouse	
and pilots	335	without tax	330
board of inspectors of hulls and boilers in		SUNKEN VESSELS,	
Ohio	352	obstructing navigation to be removed by	
amount of steam pressure allowed to those		Secretary of War	296, 369, 802
used only for towing or carrying freight		merchandise from, admitted free of duty	861
on Mississippi River	1	merchandise from, to be regarded for assessment	
when may use boilers, etc., without riveted		of duties as owned by salvors	542
plates	380	SUPERNUMERARIES (Army),	
to be provided with line-carrying projectiles	note 701	officers mustered out as, under act of 1870	
on Irondequoit Bay, New York, subject to		and reappointed to refund one year's pay	95
inspection laws, etc.	759	SUPERVISING ARCHITECT (Treasurer),	
inspection of, at Dubuque instead of Galena	776	to make plans, etc., of public buildings before	
in certain steam launches one person may		any money is expended, etc.	74
serve as pilot and engineer	886, 887	draftsmen, etc., in office of, may be paid	
aliens who have declared intention to become		from public-building appropriations	926
citizens, etc., may be licensed as pilots and		SUPERVISING INSPECTOR OF STEAMBOATS,	
engineers on	8	what pressure may allow to steamers used	
regulation of foreign, carrying passengers		only for towing or carrying freight	
from United States	383, 384	on Mississippi River	1
immigrant passenger acts; regulations as to		SUPERVISING SURGEON-GENERAL OF MARINE HOSPITAL SERVICE,	
those taking immigrants (See <i>Immigration</i>)	363-369	to be appointed by President	73
not to transport diseased live stock	436	his salary	73, 95
fees for inspection of	445, 446	SUPERVISORS OF CENSUS (See <i>Census</i>),	
thickness of boiler plates and space between		SUPERVISORS OF INTERNAL REVENUE,	
flues	474	abolished, and duties transferred to Commissioner	
towboats may be licensed to carry limited		and collectors	119
number of passengers without pay	500	SUPPLEMENT TO REVISED STATUTES,	
to carry life preservers	500	provisions for publication of. <i>note</i> 311, <i>note</i> 712,	
may be licensed to carry excursions without		bulwarks	312, 713
bulwarks	500	to be prima facie evidence of laws therein	312, 713
may be permitted to use petroleum for fuel,		SUPREME COURT,	
etc.	633	review of acts relating to jurisdiction of. <i>note</i>	901
STEEL,		appeals, etc., in prize cases	903
machine for testing, to be set up for use by		in constitutional cases	903
all persons on payment of fees	202	from State courts	903
what tests to be made	486	from circuit courts of appeals	903
STILLS,		writs of error in capital or otherwise infamous	
manufacture of wooden, by distillers not to		crimes	639, 903
pay special tax	289	not to review cases from supreme court of	
STOCKHOLDERS (national banks),		District of Columbia unless amount	
individual liability of, in case of liquidation,		in dispute exceeds \$5,000, except, etc.	485
how enforced	107	from Territories	485, 905
refusing to pay assessments, stock may be		may review all cases under civil-rights law	
sold	107	without regard to amount involved	68
STOREKEEPER (internal-revenue),		in jurisdictional cases without regard to	
duties of, in relation to distilled spirits in		amount	650, 903
warehouse	232	appeals from Court of Claims and circuit	
number and pay of, limited	119, 264, 267, 484,	and district courts in claims against	
485		the United States	560, 561
may be transferred by Commissioner	223	cases from court in Indian Territory	672, 738
duties of, may be united with that of gauger	120	from supreme court of Oklahoma. <i>note</i> 724	
SUBMARINE CABLE,		in cases of decision of circuit court in	
act to carry into effect international convention		customs cases	752
for protection of	579-581	cases to be advanced	752
willful injury to, how punished	579	how, may review admiralty cases on findings	
masters, etc., of vessel laying, to observe		of fact	63
signal rules	580	writ of error lies from, to the supreme court	
fishing vessels to keep nets, etc., from	580	of Utah in certain criminal cases	49
duties of officers of vessels and penalties	580, 581	appellate jurisdiction from supreme courts	
definition of "vessel," "master," "person,"		of Territories, how exercised	7, 8
and "convention"	581		
to what cables act applies	581		
jurisdiction of offenses and civil proceedings	581		

SUPREME COURT—Continued.	Page.
justices, clerk, and marshal of to be furnished with Congressional Record..	328
clerk, bond of	65
compensation not to exceed \$6,000	421
excess of fees and costs to be paid into Treasury	421, 469
table of fees	421
women to be admitted to practice in	217
cost of printing records in, be paid by losing party	136
reporter of, salary and clerk hire	374
reports of to be sold at \$2	374
to be distributed by Secretary of Interior instead of Department of Justice	643
to circuit and district courts	642, 643
SUPREME COURT OF DISTRICT OF COLUMBIA (See <i>District of Columbia,—administration of justice</i>),	
jurisdiction of	130
proceedings where judges are divided	130, 220
a sixth judge for, to be appointed	220
general term of, may be held by two judges	220
a judge not to sit on appeal from his own decision	220
two circuit court terms at same time	220
may regulate its terms	651
in absence of chief justice, his powers in extradition cases to devolve on senior associate	409
cases of \$5,000 may be reviewed on appeal or writ of error by Supreme Court of United States, except, etc	485
judge of, holding circuit court may have hearings in criminal cases	291
holding criminal terms and circuit terms	41, 291
jurors in, selection, drawing, term of service, etc	651, 652
jurors for, may be challenged if they have served within a year before	291, 292
jurisdiction in the partition of lands	121, 122
of writs of error and appeals from police court of District of Columbia	912
power to cause arrest, etc	38
may appoint twenty constables	171
oath and bond of constables	127, 128
to fix and approve bonds of justices of the peace and constables	171
may remove constables	171
powers as to corporations in District of Columbia	876
not to appoint trustees, guardians, or receivers of property outside District	876
proceedings in under mechanics' lien law	447-449
two additional criers for	350
clerk to pay fees into Treasury above \$3,500	421
SURETIES (See <i>Bonds</i>).	
SURGEON-GENERAL (<i>Army</i>) (See <i>Army, Officers of; Medical Department</i>),	
rank and pay of	45
assistant; his rank and pay	45
twenty enlisted men may be detailed for office of	201
printing for office of	505, 582, 772
SURGEONS,	
fees of, for examining pensioners	360, 670
(See <i>Pensions</i> .)	
in <i>Navy</i> , acting assistants not to be appointed except in case of war	217
(See <i>Navy</i> .)	
in <i>Army</i> , number, rank, and pay of, and of assistant	45, 106
vacancies in office of assistant surgeons, how filled	45

SURGEONS—Continued.	Page.
in <i>Army</i> , assistant medical purveyors may be assigned to duty as	45
(See <i>Army, Officers of; Medical Department</i> .)	
SURVEYORS (<i>customs</i>),	
(For appointment of, see acts referred to under <i>Collection districts</i> .)	
compensation of, at New York, Boston, San Francisco, and Philadelphia	36, 77
at Portland, Baltimore, and New Orleans, salaries of	221
to be appointed for Richmond, Va., and one for Bermuda Hundred	284
one for Atlanta, Ga	319
for Chattanooga, Tenn	318
for Indianapolis, Ind	328
two additional at port of New York	810
SURVEYORS-GENERAL (<i>public lands</i>) (See <i>Lands, public</i>),	
to keep account of cost of surveys of private claims, to be paid by parties ..	115
of Kansas abolished	114
of Nebraska and Iowa abolished	626
of North Dakota and South Dakota authorized	713
manual of instruction to be part of surveying contracts	879
SURVEYS (<i>public lands</i>) (See <i>Lands, public</i>),	
cost of surveys of private land claims to be paid by parties before patent issues	73, 115, 486
how paid in cases before court of private land claims	921
of railroad lands to be paid by companies	115
records of, in Nebraska and Iowa to be transferred to States	626
SWAMP LANDS,	
purchasers of, in Missouri to have priority to enter for homestead or pre-emption if not in fact swamp	67
in Missouri granted to State	141
grants to new States in lieu of	648, 766, 769, 770

T.

TARIFF (See <i>Tariff of 1890</i>).		
repeal of discriminating duties on goods from east of Cape of Good Hope	389	
grain from Canada brought in to be ground, free	391	
supplies for vessels in foreign trade may be withdrawn from bonded warehouse without payment of duty	445	
TARIFF OF 1890, (See <i>Customs administrative act of 1890, p. 744.</i>)		
	Paragraph.	Page.
Abortion, articles, drugs, medicines to cause	§ 11	859
penalty for importing	§ 12	860
proceedings	§ 13	860
Absinthe	332	834
Academies, articles for	692 free.	854
Acetate of lead,		
brown	62	815
white	62	815
Acid,		
acetic	1	812
boracic	2	812
chromic	3	812
citric	4	812
pyroligneous	1	812
sulphuric	5	813
sulphuric	728 free.	865

TARIFF OF 1890—Continued.		Paragraph.	Page.	TARIFF OF 1890—Continued.		Paragraph.	Page.
Acid—Continued.				Antimony			
tannic	6	813	187	826			
tartaric	7	813	ore, crude sulphide, of	485 free.	848		
Acids for medicinal, etc., purposes not otherwise provided for				524 free.	849		
Aconite	473 free.	847	Antiquities, collections of	155	823		
Acorns	474 free.	847	Anvils	486 free.	849		
Acorns, raw, etc.	321	833	Apatite				
Adhesive felt	475 free.	847	Apparatus, life-saving	633 free.	852		
Advertisements, obscene, § 11, 12, 13	569 free.	850	philosophical	677 free.	853		
Agates, unmanufactured	476 free.	847	Apparel, children's	397	842		
Agate buttons	429	844	wearing	752 free.	855		
Agricultural seeds	286	831	Apples	297, 298	832		
products and provisions, Schedule G	247	830	Appraisal of value (similitude)	§ 5	857		
Alabaster—manufactures of	459	846	Argal	487 free.	848		
statuary	677 free.	853	Argentine	188	826		
Albata	188	826	Argol	487 free.	848		
Albumen	477 free.	847	Aromatic seeds	24	813		
Albumenized papers	419	844	Arrack	332	834		
Albums	420	844	Arrowroot	488 free.	848		
Alcohol, amylic	42	814	Arsenate of aniline	490 free.	848		
Alcoholic—compounds and perfumery . preparations	8	813	Arsenic and sulphide of	489 free.	848		
	75	815	Art squares	408	843		
Ale	337	834	educational stops	491 free.	848		
ginger	340	835	Art, works of	465	847		
Alizarine, yellow, orange, green, blue, brown, black	478 free.	847	Art, works of	757-759 free	856		
assistant	36	814	Artists, productions of American	757 free.	856		
Alkaline silicate	84	816	Articles—domestic growth, manufacture, production returned without addition	493 free.	848		
Alkalies	76	815	domestic, reimported	§ 22 free.	861		
Alkaloids	76	815	unenumerated	§ 4 free.	857		
Almond oil	661 free.	852	used in dyeing and tanning	492	848		
Almonds	306	832	Artificial mineral waters	341	835		
Alum, in crystals or ground, patent, substitute	9	813	Artists' colors and water color paints	61	815		
Alumina and sulphate of	9	813	Asbestos	459	846		
Aluminium	186	826	Asbestos	459 free	846		
Aluminous cake	9	813	Ashes, beet root, lye of wood, and wood	495 free.	848		
Amber	479 free.	847	Asphaltum	496 free.	848		
manufactures	459	846	Aspic oil	661 free.	852		
oil	661 free.	852	Assafœtida	497 free.	848		
Ambergris	480 free.	847	Asses' skins	605 free.	851		
oil	661 free.	852	Aubusson carpets	399	842		
American—artists, productions of	757 free.	856	Axles—bars, blanks, iron or steel, parts of forgings	154	823		
fisheries, products of	571 free.	850	Axminister carpets	399	842		
vessels, repair of	§ 9 free.	858	Azaleas	666 free.	853		
Ammonia, carbonate, muriate, sulphate	10	813	Bacon	310	832		
Amylic alcohol	42	814	Bagatelle balls	435	844		
Anatomical preparations	707 free.	854	Bagging	366	838		
Anchors	153	823	Bags	365	838		
Anchovies	291	821	domestic	493 free.	848		
Angora goat skins	605 free.	851	Balls—bagatelle, billiard, chess, pool	435	844		
Andirons	161	824	Balm of Gilead	498	848		
Aniline, arseniate of	490 free.	848	Balsams	24	813		
oil	661 free.	852	Balsams	560 free.	850		
salts	481 free.	847	Bamboo reeds	756 free.	856		
Animal carbon	511 free.	849	unmanufactured	756 free.	856		
Animals	247-251	830	Band-iron	140	820		
for breeding	482 free.	847	Bar-iron	135	819		
for exhibition	483 free.	847	Bark, cinchona	499 free.	848		
for racing	483 free.	847	Barks, extracts of	24	813		
zoological collections	483 free.	848	Barks, used in tanning	560 free.	850		
integruments of	507 free.	848	used in manufacture of quinia	499 free.	848		
of immigrants	483 free.	848	Barley	252	830		
Anise oil and anise-seed oil	661 free.	852	malt	253	830		
Annatto	484 free.	848	pearled, patent, or hulled	254	830		
Anthos oil	661 free.	852	Barrels	493 free.	848		
Anthracite coal	536 free.	849	domestic	493 free.	848		

	Paragraph.	Page.
TARIFF OF 1890—Continued.		
Bars, iron and steel, for vessels	§ 8 free.	858
Baryta,		
carbonate of	500 free.	848
sulphate of	51	814
Barytes	49	814
Basswood lumber	218	827
Bauxite	501 free.	848
Bay-rum	334	834
Bay-water	334	834
Beads, glass	445 free.	845
Be in oil	661 free.	852
Beans	24, 270, 271, 813,	831
Beans	560 free.	850
tonka, tonqua, tonquin.	739 free.	855
Bed,		
downs and feathers for	567 free.	850
Bed-sides	408	843
Beef	311	832
Beer	337	834
coloring	22	813
ginger	340	835
Beeswax	502 free.	848
Beet-root ashes	495 free.	848
Bell metal and broken bells	503 free.	848
Beltings	398, 412	842, 843
Bergamot oil	661 free.	852
Berlin blue	50	814
Berries	24	813
Berries	560 free.	850
Bicromate of potash	69	815
Bicromate of soda	80	816
Billiard balls	435	844
Binding-twine	362	955
Bindings	398, 412	842, 843
Birds	504, 505 free.	848
dressed and finished	443	845
stuffed and skins	504 free.	848
Bismuth	506 free.	848
Bisque ware	100	816
Bitters	332	834
spirituous	332	834
Bitumen	496 free.	848
Black,		
bone	52	814
salts	685 free.	853
Blacking	11	813
Blacksmiths' hammers and sledges,		
iron	156	823
steel	156	823
Bladders	507 free.	848
fish	507 free.	848
manufactures of	459	846
Blanc fixe	51	814
Blankets	393	841
Bleaching powder	635 free.	852
Blood,		
dragon's	559 free.	850
dried	508 free.	849
Blooms	146	821
Blown glass	108, 109	817
Blues	50	814
Blue clay	535 free.	849
Blue wash	58	815
Blue, ultramarine	55	815
Boards, sawed	218, 220	827, 828
Boats, life	633 free.	852
Bookings	406	843
Boiler,		
iron	138	820
tubes, flues, or stays	157	823
Bologna sausages	509 free.	849
Bolt blanks	158	823
Bolting cloths	510 free.	849
Bolts,		
handle	755 free.	855

	Paragraph.	Page.
TARIFF OF 1890—Continued.		
Bolts—Continued.		
heading	755 free.	855
iron and steel, for vessels	§ 8 free.	858
shingle	755 free.	855
stave	755 free.	855
Bolts and bolt blanks,		
iron	158	823
steel	158	824
Bond, manufacturer's internal-revenue	§ 10	858
cigar manufacturers	§ 35	865
of tobacco manufacturer	§ 33	864
of peddlers of tobacco	§ 28	863
collector, internal-revenue	§ 34	865
oleomargarine manufacturer	§ 41	866
opium dealer	§ 37	865
Bonded warehouse, manufactures of goods in	§ 24	861
withdrawals from	§ 54	869
Bone,		
ash	511 free.	849
black	52	814
char	13	813
dust	511 free.	849
manufactures of	435, 460	844, 846
Bones	511 free.	849
Bonnets, materials for	518 free.	849
Book-binders' skins	456	846
Books	423	844
Books	512-516 free.	849
obscene	§ 11, 12, 13	859, 860
professional	686 free.	853
of tobacco manufacturer	§ 33	864
collector, internal-revenue	§ 34	865
oleomargarine manufacturer	§ 41	866
Boots	456	846
Boracic acid	2	812
Borate of lime and soda	14	813
Borax,		
crude	14	813
refined	14	813
Bort	557 free.	850
Botanical and mineralogical specimens	712 free.	854
Bottles, glass	103, 104, 336	817, 834
Box,		
chronometers	210	827
wood	756 free.	856
Braces	412	843
wool	398	842
Braids	518 free.	849
cotton	354	837
for hats, bonnets, and hoods	518 free.	849
silk	412	843
wool	398	842
Branding and labeling foreign manufactures	§ 6	858
Brandy and other spirituous liquors	329	833
coloring for	22	813
Brass	189	
Brazil,		
nuts	3 free.	850
paste	517 free.	849
pebbles	519 free.	849
Breadstuffs	252-265	830, 861
Breccia	520 free.	849
Brick	93, 94	816
fire	93, 94	816
Brimstone	727 free.	855
Bristles	426	844
Britannia metal	676 free.	853
British gum	324	833
Bromine	521 free.	849
Bronze,		
casts	677 free.	853

TARIFF OF 1890—Continued.		Paragraph.	Page.	TARIFF OF 1890—Continued		Paragraph.	Page.
Bronze—Continued.				Casks—Continued.			
metal	190	826	domestic		493 free.	848	
powder	190	826	Cast-iron articles		160, 161, 162, 163	824	
Broom-corn	272	831	Castor or castoreum		528 free.	849	
Brooms	427	844	beans		284	831	
Brushes	427	844	oil		37	814	
Brussels carpet	401	842	seed		284	831	
Buds	24	813	Casts, alabaster, bronze, marble, plaster of paris		677 free.	853	
Buds	560 free.	850	immoral or obscene		§§ 11, 12, 13	859, 860	
Bulbous roots	24	813	Cassada		730 free.	855	
Bulbous roots	560, 699 free.	850, 854	Cassava		730 free.	855	
Bulbs	24	813	Cassia		713 free.	854	
Bulbs	560, 699 free.	850, 854	buds		713 free.	854	
Bullion	196	826	oil		661 free.	852	
gold	522 free.	849	vera		713 free.	854	
silver	522 free.	849	Cassiterite		209	827	
Bunting	395	842	Gatgut		529 free.	849	
Burgundy pitch	523 free.	849	manufactures of		459	846	
Burlaps	365	838	Cattle, neat		§§ 20, 21	861	
Burnt starch	324	833	hides of		§§ 20, 21	861	
Burr—			Caustic potash		70	815	
stone	126	818	soda		81	816	
stone	723 free.	854	Cayenne pepper		326	833	
stones	126	818	Cedar wood		756 free.	856	
Butter	266	831	Cedrat oil		661 free.	852	
substitutes for	266	831	Cement		95	816	
Button forms	428	844	copper		193	826	
Buttons	398, 429	842, 844	Cerium		530 free.	849	
barrel	398	842	Chain or chains		164	824	
bone	430	844	Chair-cane		229	828	
cloth for	428	844	Chalk, unmanufactured		531 free.	849	
horn, ivory	430	844	preparations of, prepared,				
pearl, shell	429	844	precipitated, French,		16	813	
shoe	431	844	red		456	845	
vegetable ivory	430	844	Chamois skins		661 free.	852	
Butyric ether	25	813	Chamomile oil		335	834	
Cabbages	273	831	Champagne		532 free.	849	
Cabinet woods	756 free.	856	Charcoal		100	816	
Cabinets,			Charms		423	844	
of coins or medals	524 free.	849	Charts		512 free.	849	
of furniture	230	838	Charts		266	831	
Cables, tarred	362	955	Chemical,				
Cacao,			apparatus		682 free.	853	
crude	542 free.	849	compounds		76	815	
fiber	542 free.	849	glassware		107	817	
leaves	542 free.	849	salts		76	815	
shells	542 free.	849	vessels and parts of		682 free.	853	
Cadmium	525 free.	849	wood pulp		415	843	
Cajeput oil	661 free.	852	Chemicals, oils and paints,				
Calamine	526 free.	849	Schedule A		1	812	
Calfskins	456	845	Chenille carpets		399	842	
Calomel	75	815	Chenille goods		351	837	
Camphor	15	813	Cheroots		246	830	
Camphor	527 free.	849	Cherry juice		339	835	
Candy, sugar	239	829	Chess balls and men		435	844	
Canes	229	828	Chicory root		317	833	
walking-sticks	756 free.	856	Chicory		533	849	
Cans, tin	296	832	Children's hats		451	845	
Caps, percussion	442	845	Chimneys, glass		108	117	
Carbon, animal	511 free.	849	China,				
Carbonate,			clay		98	816	
of ammonia	10	813	ware		100, 101	816	
of baryta	500 free.	848	Chinese blue		50	814	
of magnesia	34	814	Chip braids, plaits, and laces		518 free.	849	
of potash, crude or fused	685 free.	853	Chip, manufactures of		460	846	
of strontia	725 free.	854	Chlorate,				
Carboys,			of potash		685 free.	853	
domestic	493 free.	848	of soda		709 free.	854	
glass	103	817	Chloride of lime		635 free.	852	
Card—			Chloroform		17	813	
boards	420	844	Chocolate		318	833	
clothing	159	824	confectionery		239	829	
clothing, playing	424	844	Chromate,				
Cards, playing	424	844	of iron		132	819	
Carpets	399, 408	842, 843					
Caraway oil	661 free.	852					
Casks	228	828					

	Paragraph.	Page.
TARIFF OF 1890—Continued.		
Chromate—Continued.		
-of potash	69	815
Chrome colors	53	814
Chromic,		
acid	3	812
ore	132	819
Chronometers, box or ship's	216	827
Cider	274	831
Cigarettes, imported	246	830
domestic, how packed	§ 32	864
Cigars, imported	246	830
domestic, how packed	§ 32	864
Cinchona bark	499 free.	848
Cinnamon, unground and		
chips	714 free.	854
oil	661 free.	852
Circulars, obscene	§§ 11, 12, 13	859, 860
Citrate of lime	634 free.	852
Citric acid	4	812
Citronella oil	661 free.	852
Civet	534 free.	849
oil	661 free.	852
Clapboards	221, 222	828
Clay, china or earth	98	816
Clay pipes	468	847
Clays	535 free.	846
Cliff-stone	723 free.	854
Clippings, brass and copper	189, 192	826
Cloaks of wool	397	842
Cloth,		
bolting	510 free.	849
brown and bleached linen	350	836
cotton	344-349	835, 837
erinoline	448	845
hair	448, 449	845
mohair	428	844
woolen	392	841
Clothing,		
card	159	824
ready-made	349, 396, 413	836, 842, 843
rubber	349, 413	837, 843
Cloves and clove stems	715 free.	854
Coal,		
anthracite	536 free.	849
bituminous	432	844
culm or slack	432	844
stores	537 free.	849
Coal-tar,		
colors	18	813
crude	538 free.	849
dyes	18	813
pitch	731 free.	855
preparations of	18, 19	813
Coat linings of wool	394, 395	841, 842
Cobalt	20	813
Cobalt		
ore, of	539 free.	849
oxide of	539 free.	849
oxide of	20	813
Cocculus indicus	540 free.	849
Cochineal	541 free.	849
Cocoa	319	833
butter or butterine	320	833
crude, fiber, leaves, shells	542 free.	849
Cocoa fiber matting	464	846
Cocoa nut oil	661 free.	852
Cocoanuts	582 free.	850
Codliver oil	38	814
Coffee	543 free.	849
substitutes for	321	833
Cogged ingots	146	821
Coins	544 free.	850
cabinets of	524 free.	849
Coir and coir yarn	545 free.	850
Coke	493	844
Collars and cuffs	372	838
Collections of antiquities	524 free.	849

	Paragraph.	Page.
TARIFF OF 1890—Continued.		
Collodion	21	813
Coloring for brandy	22	813
Colors	18, 49-61	813, 814, 815
coal-tar	18	813
Comfits	303	832
Composition—		
metal	192	826
sheeting or yellow metal	195	826
Compounds, alcoholic	8, 74	815, 815
Common window-glass	112	817
Confectionery	238, 239	829
Congressional Library, books		
for	514 free.	849
Copper—		
articles of, bars, black or		
coarse, bottoms, bra-		
ziers', cement, clip-		
pings, ingots, manufact-		
ures of, ore, pigs, pipes,		
plates, regulus of, rods,		
sheets	191-195	826
coins	544	850
composition metal	192	826
for vessels	§ 8 free.	858
medals	648 free.	852
old	546 free.	850
subacetate of	749 free.	855
sulphate	12	813
Copperas	23	813
Copying paper	419	844
Coral	459	846
Coral	547 free.	850
Cordage	362	955
Cordials	332	834
Cords and tassels of wool	398	842
cotton	354	837
and tassels of silk	412	843
Corduroys, cotton	350	837
Cork—		
bark, cut	434	844
bark, unmanufactured	548 free.	850
carpets	369	838
wood	548	850
manufactures of	434	844
Corn	256	830
meal	257	830
Corrugated iron	142	820
Corticene	369	838
Cosmetics	77	815
Cotton	549 free.	850
bagging	365	838
boot-lacings	354	837
braces	354	837
braids	354	837
carpeting	407	843
chenille and chenille goods	351	837
cloth	344-348	835, 836
clothing, ready-made	349	836
collars and cuffs	372	838
cords	354	837
corduroy	350	837
corset-lacings	354	837
damask	355	837
drawers	352	837
embroideries	373	839
galloons	354	837
gimps	354	837
goods, knit	352, 353	837
goring	354	837
hemmed handkerchiefs	349	836
hem-stitched handkerchiefs	373	839
hose and half-hose	352, 353	837
insertings	373	839
knit-goods	352, 353	837
lace window-curtains	373	839
laces	373	839

TARIFF OF 1890—Continued.

	Paragraph	Page.
Cotton—Continued.		
manufactures, Schedule I ..	342	835
manufactures of	342-355	837
neckties	349	836
pile fabrics	350	837
plushes	350	837
seed oil	39	814
shirts	352	837
stockings	352, 353	837
suspenders	354	837
table-covers of chenille	351	837
thread	342, 343	835
ties, iron	140	820
trimmings	373	839
velvet	350	837
velveteens	350	837
warps and warp yarn	342	835
waste	549 free.	850
wearing apparel	349, 372	836, 838
webbing	354	837
wire	148	822
yarn	342	835
Covers	408	843
Cream-rnts	584 free.	850
Cream of tartar	90	816
Crinoline cloth	448	845
wire	148	822
Crockery ware	99, 100, 101	816, 817
Croton oil	40	814
Crowbars, iron and steel	156	823
Crown glass	112	817
Crucibles	99	816
Crucible clay	535 free.	849
Crude mineral substances	202	826
Cryolite	550 free.	850
Cubic nitrate	709 free.	854
Cudbear	551 free.	850
Culm, coal	432	844
Curling stones	552 free.	850
Currants, Zante or other	578 free.	850
Curry and curry powder	553 free.	850
Curtains, cotton lace window chenille	373 351	839 837
Cutch	554 free.	850
Cutlery	165	824
Cuttle-fish bone	555 free.	850
Cyanite	625 free.	852
Dairy products	266, 269	831
Damaged iron and steel, none allowed	149	823
Damask cotton	355	837
Dandelion root	321	833
Dandelion roots, raw, etc.	556 free.	850
Dates	579 free.	850
Decorated glassware	106	817
Degras	316	833
Demijohns, glass	103	817
Dextrine	324	833
Diamonds and diamond dust ..	557 free.	850
Dice	435	844
Discriminating duty	§ 17	860
Distilled spirits	331	834
Distilled oils	76	815
Divi-divi	558 free.	850
Dolls	436	844
Dolmans, of wool	397	842
Domestic—		
articles returned, bags, bar- rels, carboys, casks, manufactures, products, vessels	493 free.	848
Downs, bed	567 free.	850
Dragon's blood	559 free.	850
Drawing-paper	422	844
Drawings	758 free.	856
Draughts	435	844

TARIFF OF 1890—Continued.

	Paragraph	Page.
Dress-goods,		
trimmings	398	842
worsted	394, 395	841, 842
wool	394, 395	841, 842
Dross from burnt pyrites	133	819
Druggets	406	843
Drawback, provisions for	493	848
on tin-plate	328	833
on imported materials	§ 25	862
Drugs, such as barks, beans,		
berries, etc	24	813
Drugs, such as barks, beans,		
berries, etc., not edible, crude, etc	560 free.	850
to prevent conception § § 11, 12, 13 ..	11, 12, 13	859, 860
Dutch metal	190	826
Dutch wool carpets	405	842
clippings	189	826
Duty, discriminating	§ 17	860
Dyeing, crude articles used in	492 free.	848
Dyes, coal-tar	18	813
Dye-woods, extracts and de-		
coctions	26	813
Earthen ware	99-101	816, 817
and glassware, Schedule B.	93	816
Earths or clays	98	816
Ebony-wood	756 free.	856
Edgings	373	839
Effects,		
household	675 free.	853
personal	752 free.	855
Eggs	275	831
birds', fishes', and insects' ..	561 free.	850
silk-worms'	706 free.	854
Egg yolks	276	831
Embroideries	373	839
cotton, flax, linen	373	839
silk	413	843
wool	398	842
Emery—		
grains, ground, manufac- tured, pulverized, re- fined	437	845
ore	562 free.	850
Enameled iron ware	171, 172	825
Engravers' diamonds	557 free.	850
Engravings	423	844
Engravings	512 free.	849
Envelopes, paper	421	844
Epaulets	196	826
Epsom salts	34	814
Ergot	563 free.	850
Essences, fruit	25	813
Essential oils	76	815
Etchings	423	844
Ether of all kinds, fruit, spir- its of nitrous, sulphuric	25	813
Excrescences	24	813
Excrescences, not edible, crude, etc	560 free.	850
Exhibition—		
articles, paintings, photo- graphs, statuary, for	758, 759 free.	856
Explosive substances	438-440	845
Expressed oils	76	815
Extract—		
of annato	484 free.	848
of hemlock and other barks used in tanning	26	813
of indigo	29	814
of licorice	33	814
of madder	639 free.	852
of meat	313	832
and decoctions	26	813
of opium	47	814
of orleans	484	848

TARIFF OF 1890—Continued.		Paragraph.	Page.
Extract—Continued.			
of rocoa.....	484 free.	848	
of roncon.....	484 free.	848	
of safflower.....	694 free.	854	
saffron.....	694 free.	854	
sumac.....	26	813	
Extracts, other.....	26	813	
Eye-glasses.....	119	818	
Fans, palm-leaf.....	564 free.	850	
Farina.....	565 free.	850	
Farm and field products.....	270-283	831	
Farmers selling tobacco.....	§ 27	863	
Fashion-plates.....	566 free.	850	
Feathers.....	443	845	
bed.....	567 free.	850	
dusters.....	427	844	
Feldspar.....	568 free.	850	
Felt, adhesive, for sheathing vessels.....	569 free.	850	
carpeting.....	406	843	
Felt and felt fabrics.....	396	842	
Fence wire rods.....	147	822	
Fennel oil.....	661 free.	852	
Fibers.....	592-597 free.	851	
Fibrin.....	570 free.	850	
Figs.....	300	832	
Filberts.....	307	832	
Files and file-blanks.....	168	824	
Filtering paper.....	419	844	
Fine-art societies or institu- tions.....	677, 692, 758, 759 free.	853, 854, 856	
Filtering paper.....	419	844	
Fire—			
arms.....	169, 170	825	
firearms.....	702 free.	854	
brick.....	93, 94	816	
crackers.....	438	845	
wood.....	755 free.	855	
Fish.....	291, 296, 571, 831, 832.	850	
bait.....	572 free.	850	
bladders.....	507 free.	848	
cans.....	296	832	
fresh.....	571 free.	850	
frozen.....	293	832	
frozen.....	571 free.	850	
glue.....	27	813	
herrings.....	294	832	
in cans.....	295	832	
mackerel.....	292	831	
oil.....	46	814	
pickled.....	292	831	
salmon.....	292	831	
shell and shrimps.....	703 free.	854	
skins.....	573 free.	850	
smoked, dried, salted, or pickled.....	293	832	
sounds.....	507 free.	848	
Fisheries, products of Amer- ican.....	571 free.	850	
Flat irons.....	135	819	
Flannels.....	393	841	
Flax,			
brown and bleached linen cloth.....	350	837	
carpeting.....	407	843	
embroideries.....	373	838	
gill-netting.....	367	838	
hacked.....	358	838	
hemp and jute.....	356-374	838, 839	
hemp and jute, and manufac- tures of, Schedule J.....	356	838	
insertings.....	373	838	
laces.....	373	838	
linen hydraulic hose.....	368	839	
manufactures of.....	374	838	
nets.....	367	838	

TARIFF OF 1890—Continued.		Paragraph.	Page.
Flax—Continued.			
not hacked.....	357	838	
oil-cloths, etc.....	369	838	
or hemp tow.....	359	838	
seed.....	285	831	
oil.....	41	814	
seines.....	367	838	
straw.....	356	838	
wearing apparel.....	372	838	
Flints, flint, and flint stones.....	574 free.	850	
Flint glassware.....	105	817	
Floats.....	168	824	
Flocks, woolen.....	389	840	
Floor matting, vegetable.....	464	846	
Floss, silk.....	410	843	
Flour,			
rye.....	263	831	
sago.....	695 free.	854	
wheat.....	265	831	
Flowers.....	24	813	
Flowers, crude, etc.....	560 free.	850	
Flues, boiler.....	157	823	
Fluted glass.....	114	818	
Foreign manufactures, brand- ing and labeling same.....	§ 6	858	
Foreign vessels.....	§§ 18, 19	860, 861	
Foreign coin to be estimated quarterly.....	§ 52	869	
Forged iron.....	139	820	
Forgings of iron or steel.....	139, 820	153, 823	
Forms for buttons.....	428	844	
Fossils.....	576 free.	850	
Fowls, land and water.....	505 free.	848	
Free list.....	§ 2	847	
Free stone.....	127, 128	819	
Fringes.....	398, 412	842, 843	
Fruit and nuts.....	297-309, 578-586	832, 850, 851	
essences.....	25	813	
ethers.....	25	813	
juice.....	339	835	
oils.....	25	813	
plants.....	577 free.	850	
preserved.....	304	832	
Fulminates and fulminating powders.....	439	845	
Fur.....	444	845	
articles of.....	461	846	
hats.....	451	845	
hatters'.....	451	855	
skins of all kinds, not dressed.....	588 free.	851	
undressed.....	587 free.	851	
Furniture, cabinet.....	230	828	
Fusel oil.....	42	814	
Galloons,			
cotton.....	354	837	
metal.....	196	826	
silk.....	412	843	
wool.....	398	842	
Galvanized iron.....	143	820	
Gambier.....	589 free.	851	
Garden seeds.....	286	831	
Garments, outside.....	397	842	
Gas-retorts.....	102	817	
Gelatine.....	27	813	
German silver.....	188	826	
Gilead, balm of.....	498 free.	848	
Gill netting.....	367	838	
Gimps of wool.....	398	842	
cotton.....	354	837	
Ginger,			
ale and beer.....	340	835	
cordial.....	336	834	
root.....	716 free.	854	
wine.....	336	834	

TARIFF OF 1890—Continued.	Paragraph.	Page.
Glass and glassware,		
beveled, enameled, etc	118	818
blown	108, 109	817
bottles	103, 104	817
bottles, etc., filled	104	817
broken	590 free.	851
carbony	103	817
chemical	107	817
colored	103	817
common window	112	817
crown	112	817
cut, engraved, etc	111, 118	817, 818
cylinder	112	817
decanters	111	817
demijohns	103	817
disks	591 free.	851
flint	103, 104, 105	817
lime	103, 104, 105	817
lenses	120, 121	818
looking-glass plates	116, 119	818
manufactures of	108	817
mirrors	116, 117, 118, 122	818
not cut, engraved, etc	105	817
old	590 free.	851
obscured, or ground	114, 118	818
opal	110	817
plate	114, 115, 116	818
plates or disks	591 free.	851
porcelain	110	817
silvered	116, 117, 118	818
spectacles and eye-glasses	119, 121	818
rough-cut, etc.	591 free.	851
stained	118	823
vials	103	817
window	112, 118, 122	817, 818
stained or painted	122	818
Glassware	103-111	817
chemical	107	817
chimneys	108	817
decorated	105, 106	817
flint and lime	103, 104, 105	817
painted	111	817
pressed	105	817
Glaziers' diamonds	557 free.	850
Gloves, kid and leather	458	846
Glucose or grape sugar	240	830
Glue	27	813
fish or isinglass	27	813
stock	606 free.	851
Glycerine, crude and refined	28	814
Goat skins	456	846
Angora	605 free.	851
Gold,		
articles of	223	828
beaters' molds	598 free.	851
skins	598 free.	851
bullion	522 free.	849
coins	544 free.	850
leaf	197	826
medals	648 free.	852
ore	667 free.	853
pens	205	827
size	56	815
sweepings	729 free.	855
Goods in bond	\$ 50	868
Goods, product of convict labor, importation prohibited	\$ 51	868
Goring, silk	412	843
Gorings, wool	398	842
Grain bags	365	838
Granadilla wood	756 free.	856
Granite	127, 128	819
Grape sugar or glucose	240	829
Grapes	299	832

TARIFF OF 1890—Continued.	Paragraph.	Page.
Grass,		
articles	518 free.	849
grasses and fibers	592-597 free.	851
manufactures	460	848
Grasses	597 free.	851
Grease	599 free.	851
grease from wool	316	833
Grindstones	129	819
Guano	600 free.	851
Gum	24	813
crude, etc	560 free.	850
British	324	833
resin	24	813
resins, crude	560 free.	850
substitute	324	833
Gun—		
blocks	223	828
powder	440	845
wads	446	845
Gunny—		
bags	601, 670 free.	851, 853
cloth	366	838
cloth	601, 670 free.	851, 853
Gut, cat, whip, worm	529 free.	849
Gutta percha	603 free.	851
manufactures	461	846
Guts, salted	602 free.	851
Gypsum, ground	97, 680	816, 853
Hair	604 free.	851
alpaca	375	839
animals'	391	841
animals' unmanufactured, etc	604 free.	851
cattle	604 free.	851
cloth	448, 449	845
curled, for beds and mattresses	450	845
goat	375	839
horse	604 free.	851
human	447	845
human, unmanufactured, etc	604 free.	851
pencils	427	844
seating	449	845
wood sticks	756 free.	856
Hams	310	832
Hammers and sledges	156	823
Handkerchiefs,		
hemmed	349	836
hemstitched	373	839
flax, jute, or hemp	373	839
Handle-bolts	755 free.	855
Hangings, paper	422	844
Hard rubber manufactures	461	846
Hard wood of various kinds, unmanufactured	756 free.	856
Harness—		
of immigrants	483 free.	848
Hassocks	408	843
Hat bodies of fur	451	845
Hats	451	845
materials for	518 free.	849
wool	393	841
Hatters'—		
furs	444	845
plush	469	847
Hay	277	831
Head-nets	398	842
Heading—		
blocks	223	828
bolts	755 free.	855
Hemlock bark, extract of	26	813
Hemlock lumber	218	827
Hemp (see Flax)	360	838
carpeting	363	838

	Paragraph.	Page.
TARIFF OF 1890—Continued.		
Hemp—Continued.		
hackled	360	838
line of	360	838
manufacturers of	371	838
seed	699 free.	854
oil	43	814
tow of	359	838
Herbs	24	813
Herbs, crude, etc.	560 free.	850
Herrings	294	832
in oil	46	814
Hide,		
cuttings	606 free.	851
rope	607 free.	851
Hides	606 free.	851
reciprocity provisions.	§ 3	856, 857
Hinges and hinge-blanks.	158	824
Hob-nails	174	825
Hogs	249	830
Hollow-ware	163	824
Hones	608 free.	851
Honey	278	831
Hoods, materials for	518 free.	849
Hoofs	609 free.	851
Hoop-iron	140	820
Hoops, iron	140	820
Hop—		
poles	755 free.	855
roots	610 free.	851
Hops	279	831
Horse—		
shoe nails	174	825
shoes, wrought	176	825
Horses	247	830
for breeding purposes.	482 free.	847
Horn,		
manufactures of	460	846
strips and tips	611 free.	851
Horns, and parts of	611 free.	851
Hose,		
linen hydraulic	368	838
cotton	352, 353	837
Hosiery	352, 353	837
Household effects	675 free.	853
Hubs for wheels	223	828
Human hair	447	845
unmanufactured, etc.	604 free.	851
Hydriodate of potash	71	815
Ice	612	851
Images, obscene	§§ 11, 12, 13	859, 860
Immoral articles, casts, instruments	§§ 11, 12, 13	859, 860
Implement, professional	686 free.	853
India rubber	613 free.	851
manufactures	460, 461	846
milk of	613 free.	851
articles	674 free.	853
Indian peltries	674 free.	853
Indians, goods and effects of	29	814
Indigo	614 free.	851
carmined	29	814
extracts of	29	814
Indurated-fibre ware	461	846
Ingots, steel and cogged	146	821
Ingrain carpets	404	842
Ingrain two-ply carpets.	405	842
Inks and ink powders	30	814
Insects, dried	24	813
crude, etc	560 free.	850
Insertings, cotton, flax, linen.	373	838
Instruments—		
philosophical	677 free.	853
professional	686 free.	853
Integuments of animals	507 free.	848

	Paragraph.	Page.
TARIFF OF 1890—Continued.		
Internal-revenue:		
withdrawal of dutiable articles for repair of American vessels	§ 9	858
repealing certain special taxes	§ 26	862
removing all tobacco restrictions from farmers	§ 27	863
regulations concerning peddlers of tobacco	§ 28, 29	863
reducing tax on tobacco and snuff	§ 30	864
prescribing packages for manufactured tobacco.	§ 31	864
cigars and cigarettes, how to be packed	§ 32	864
record books to be kept by tobacco manufacturers.	§ 33	864
record books to be kept by collector	§ 34	865
special tax year	§ 53	869
bond to be given by cigar manufacturers	§ 35	865
tax and regulation on opium	§§ 36-40	865, 866
books to be kept by oleomargarine manufacturers	§ 41	866
fortification of sweet wines	§§ 42-49	866-868
Inventions, models of	652 free.	852
Iodate and iodide of potash	71	815
Iodine, crude	615 free.	851
resublimed	31	814
Iodoform	32	814
Ipecac	616 free.	851
Iridium	617 free.	851
Iron,		
angles	137	819
articles cast	160, 161, 162, 163	824
articles of	215	827
axles	154	823
parts of	154	823
forgings	154	823
band	140	820
bar	135, 136	819
bars	136	819
beams	137	819
billets	136	819
blacksmiths' hammers and sledges	156	823
blooms	136	819
boiler	138	820
boiler tubes, flues, or stays.	157	823
bolts and bolt-blanks	158	823
bolts and other metal manufactures for vessels	§ 8	858
brads, cut	177	825
building forms	137	820
car-truck channels	137	819
castings of	160, 161, 162, 163	824
chain or chains	164	824
channels	137	819
chromate of	132	819
columns and posts	137	819
cotton-ties (hoop iron)	140	820
crowbars	156	823
cut nails and spikes	173	825
damage allowance prohibited	149	823
deck and bulb beams	137	820
flat rails	141	820
forged	139	820

TARIFF OF 1890—Continued.		Paragraph.	Page.	TARIFF OF 1890—Continued.		Paragraph.	Page.
Iron—Continued.				Jute—Continued.			
forgings	139	820	butts	594 free.	851		
girders	137	819	carpeting	363	838		
hatters' irons	161	824	manufactures of	374	839		
hoop	140	820	yarn	361	838		
hoops	140	820	Kainite	625 free.	852		
joists	137	819	Kangaroo skins	456	845		
ketledge	134	819	Kaoline	98	816		
loops	136	819	Kelp	623 free.	852		
limitation of duty	151	823	Ketledge, iron	134	819		
malleable, castings	162	824	Kernels, palm-nut	586 free.	851		
nuts	176	825	Kid-skins	456	842		
ore	133	819	Kieserite	624 free.	856		
manganiferous	133	819	Kirschwasser	332	834		
pigs	134	819	Knit goods—				
pipe, cast	160	824	cotton or linen	352, 353	837		
plate	138, 143, 144	820, 821	silk	413	843		
railway bars	141	820	worsted or woolen	392	841		
railway fish plates	181	825	Knitting-machines, cotton goods				
rivets	182	825	made on	352, 353	837		
rods	136, 147	819, 822	Knives—				
and fence wires	147	822	pen	165	824		
rolled	135, 136	819, 822	pocket	165	824		
round, in coils or rods	136	819	table	167	824		
scrap	134	819	Knots, metal	196	826		
scroll	140	820	Kryolith	550 free.	850		
sheet	142, 143, 144	820, 821	Kyanite	625 free.	852		
sheets	143	820	Lac—				
skelp	138	820	spirits	627 free.	852		
slabs	136	819	sulphur	727 free.	855		
spikes	173	825	Lac dye,				
sprigs, cut	177	825	button, crude, seed, shell,				
structural shapes	137	819	stick	626 free.	852		
sulphate of	23	813	Lace window-curtains, cotton	373	838		
sulphuret of	133	819	Laces,				
TT, columns and posts	137	819	cotton, flax, linen	373	838		
tacks, cut	177	825	for hats, bonnets, and hoods	518	849		
taggers	142, 143, 145	820, 821	metal	196	826		
tee rails	141	820	silk	413	843		
track-tools	156	823	wool	398	842		
washers	176	825	Lactarine	628 free.	852		
wedges	156	823	Lahn	737 free.	855		
wrought, for ships	153	823	Lambskins	456	846		
wrought, horse-shoe nails	174	825	Lame	737 free.	855		
wrought, nails	174	825	Lamblack	52	814		
wrought, pipes	157	823	Lance-wood	756 free.	856		
wrought, tubes	157	823	Lard	314	833		
Isinglass, or fish glue	27	813	Last blocks	223	828		
Istle	592 free.	851	Lastings	428	844		
Italian cloths	394, 395	841, 842	Laths	224	828		
Ivory,			Laudanum	47	814		
drop black	52	815	Lava	629 free.	852		
vegetable	618 free.	851	Lead	199, 200, 201	826		
manufactures	435, 462	844, 846	acetate of	62	815		
Jackets, woolen	397	842	articles of	215	827		
Jalap	619 free.	851	dross	199	826		
Japans	56	815	nitrate of	64	815		
Japanned calf-skins	456	845	ore	199	826		
Jasmine oil	661 free.	852	products	62-67	815		
Jellies	303	832	red	66	815		
Jet	620 free.	851	type-metal	208	827		
manufactures of	459	846	white	67	815		
Jewelry	452, 453, 454	845	Leaf,				
Joss light or stick	621 free.	851	bronze or Dutch metal	190	826		
Juglandium oil	661 free.	852	gold	197	826		
Juice,			silver	198	826		
fruit	339	835	tobacco	242	830		
lemon, or sour-orange	631	852	Leather	455-458, 461	845, 846		
lime	631 free.	852	bend or belting	455	845		
Juniper oil	661 free.	852	book-binders' calf-skin	456	845		
Junk, old	622 free.	851	boots and shoes	456	846		
Jute	593 free.	851	calf-skins	456	845		
bags, for grain	365	838	chamois skins	456	845		
bagging	366	838	for uppers or vamps	457	846		
burlaps	364	838	gloves	458	846		
			japanned calf-skin	456	846		

	Paragraph.	Page.
TARIFF OF 1890—Continued.		
Leather—Continued.		
kangaroo skins	456	846
manufactures	455-458, 461	845, 846
morocco	456	846
sheep and goat skins	456	846
sole	455	845
Leaves	24	813
crude, etc	560 free.	850
Leeches	630 free.	852
Lees crystals	91	816
Lemon,		
grass oil	661 free.	852
juice	631 free.	852
oil	661 free.	852
peel	305	832
Lemons	301	832
Lemonade	340	835
Lenses	120, 121	818
rough-cut, etc	591 free.	851
Letter-press copying paper	422	844
Libraries or parts of	516 free.	849
Library, Congressional	514 free.	849
Lichens	24	813
crude, etc	560 free.	850
Licorice,		
juice	33	814
paste or roll	33	814
root	632 free.	852
Life-boats and life-saving ap- paratus	633 free.	852
Lignum vitæ	756 free.	856
Lily of the valley	666	853
Lime	96	816
borate of	14	813
chloride of	635 free.	852
citrate of	634 free.	852
juice	631 free.	852
sulphate	680 free.	853
Limes	301	832
oil of	661	852
Limestone	127, 128	819
Linen—		
brown and bleached	350	837
cloth	371	838
collars and cuffs	372	838
embroideries	373	838
hemstitched handkerchiefs	373	839
hydraulic hose	368	838
insertings	373	838
laces	373	838
manufactures of, embroid- ered	373	839
neck ruffings	373	838
Linoleum	369	838
Linseed	285	831
oil	41	814
Liquors	330, 332, 336	834
Literary societies and institu- tions	515, 692	849, 854
Litharge	63	815
Lithographic stones	636 free.	852
prints	420	844
for societies, etc	515 free.	849
Lithographs	420	844
Litmus	637	852
Loadstones	638	852
Logs	754	855
Logwood extracts	26	813
Longitudinal ribs for fence wire	147	822
Looking-glass plates	117	818
Lumber	218, 220	827, 828
hardwood	220	828
for vessels	§ 8 free.	858
Macaroni	258	830
Mace	717 free.	854

	Paragraph.	Page.
TARIFF OF 1890—Continued.		
Mace—Continued.		
oil	661 free.	852
Machinery for repair	§ 14 free.	860
patterns	652 free.	852
Mackerel	292	831
Madder and Indian madder	639 free.	852
Magnesia, calcined, carbonate of, medicinal, sulphate of	34	814
Magnesite	640 free.	852
Magnesium	641 free.	852
Magnets	642 free.	852
Mahogany wood	220	828
rough	756 free.	856
Maine, products of forests of §§ 15, 16 free.		860
Maize	256	830
Malacca joints, India	756 free.	856
Malleable iron castings	162	824
Malt extract	338	835
Manganese, ore, oxide	643 free.	852
Manila	595 free.	851
binding twine	362	955
cable and cordage	362	955
for vessels	§ 8 free.	858
manufactures of	371	838
Manna	644 free.	852
Mantels	130	819
Manufactures of—		
aluminum	215	827
alabaster	459	846
amber	459	846
asbestos	459	846
bladders	459	846
bone	460	846
cat-gut	459	846
china and earthenware	99-101	816, 817
chip	460	846
copper	215	827
cork	434	844
coral	459	846
cotton	342-355	835-837
flax, jute, or hemp	356-374	838, 839
fur	461	846
glass	103-122	817, 818
gold	215	827
grass	460	846
gutta-percha	461	846
hard rubber	461	846
horn	460	846
human hair	447 free.	846
unmanufactured, etc	604 free.	851
India rubber	460	846
indurated fiberware	461	846
iron and steel	132-215	819-827
ivory	462	846
jet	459	846
jewelry	452-454	845
lead	62-67, 200, 201, 208, 215	815, 826, 827
leather	455-458, 461	845, 846
marble	123-125	818
metals	215	827
mother of pearl	462	846
miscellaneous manufactures of metal	186-215	826, 828
nickel	203, 215	826, 827
osier	459	846
palm-leaf	460	846
paper	416-425	843, 844
papier-maché	461	846
paste	459	846
pewter	215	827
platinum	215	827
shell	462	846
silk	409-414	843
silver	215	827
slate	130, 131	819
spar	459	846

TARIFF OF 1890—Continued.		Paragraph.	Page.	TARIFF OF 1890—Continued.		Paragraph.	Page.
Manufactures of—Continued.				Mineral—			
straw	460	846	orange	65	815		
stone	128	819	substances, crude	202	826		
tin	143	820	substances, etc., not advanced in value	651 free.	852		
tobacco	242-246	830	waters	341	835		
unenumerated	§ 4	857	waters, not artificial	650 free.	822		
vegetable ivory	462	846	wax	751 free.	855		
vulcanized India rubber	461	846	Mineralogical specimens	712 free.	854		
wax	459	846	Minerals, crude	651 free.	852		
weeds	460	846	Mirrors, pocket and other	122	818		
whalebone	460	846	Models	652 free.	852		
whip-gut	459	846	Mohair cloth	428	844		
willow	459	846	Molasses	726 free.	855		
wood	216-230	827, 828	Molds, gold-beaters'	598 free.	851		
wool	391-408	840-843	Monumental stone	128	819		
worm-gut	459	846	Morphia, and salts of	35	814		
zinc	212, 213, 214, 215	827	Morphine, and salts of	35	814		
Manufacturing purposes, acids	473 free.	847	Moquette carpets	399	842		
Manure, substances used for, and manures	511, 600 free.	849, 851	Morocco, skins for	456	846		
Manuscripts	645 free.	852	Mosses	653 free.	855		
Maple-sugar bounty	231-237	828, 829	Mother-of-pearl	462	846		
Maps	423	844	not sawed, etc.	673 free.	853		
printed more than 20 years	512 free	849	Mule shoes, wrought	176	825		
Marble	123-125	818	Mules	247	830		
manufactures of	436	844	Mungo, woolen	389	840		
paving-tiles	124	818	Municipal corporations	757	856		
slabs	124	818	Munjeet	639 free.	852		
Marking or branding, etc.	§ 6	858	Mushrooms	271	831		
Marrow	646 free.	852	Musk	654 free.	852		
Marsh-mallows	647 free.	852	Muriate of potash	685 free.	853		
Masks	463	846	Muskets	169	825		
Matches	441	845	Mustard	325	833		
Mats	408, 464	843, 846	Mutton	311	832		
floor	575 free.	850	Myrobolan	655 free.	852		
Matting, floor	464	846	Myrtle sticks	756 free.	856		
Chinese	575 free.	850	Nails	174	825		
Meat, extract of	313	832	hob and horseshoe	174	825		
products	310-316	832, 833	wire	175	825		
Meats, prepared or preserved.	312	832	wrought iron or steel	174, 175	825		
Medals	648 free.	852	Natural history specimens	712 free.	854		
cabinets of	524 free.	849	Neat cattle	§ § 20, 21	861		
Medicinal acids	473 free.	847	hides of	§ § 20, 21	861		
Medicinal preparations	74-77	815	Neck-ties	349	836		
Meerschaum	649 free.	852	Needles	178, 179	825		
Melada	726 free.	855	Neroli oil	661 free.	852		
concentrated	726 free.	855	Nets, flax	367	838		
Men's hats	451	845	Newspapers	657 free.	852		
Merchandise taken from wrecks	§ 23	861	Nickel	203, 667	826, 853		
Merchandise on board	§ 50	868	Nickel	667 free.	853		
Merchandise on board, duty to be paid on weight at withdrawal	§ 50	868	articles of	215	827		
Merchandise in sunken vessels	§ 23	861	Niter cake	85	816		
Mercurial preparations	75	815	Nitrate,				
Metal,			cubic	709 free.	854		
bronze or Dutch	190	826	of soda	709 free.	854		
manufactures	215	827	of lead	64	815		
threads	196	826	of potash, crude	685 free.	853		
type	208	827	refined	72	815		
yellow or sheathing	189	826	Nitrous ether, spirits of	25	813		
unwrought	202	826	Nonenumerated articles	§ 4	857		
bells, broken	503 free.	848	Nursery stock	282	831		
Metals and manufactures of, Schedule C	132	819	Nutgalls	24	813		
Mica	202	826	crude, etc	560 free.	850		
Milk	268, 269	831	Nutmegs	718 free.	854		
condensed	269	831	Nuts	158, 306-309	823, 832		
of India rubber	613 free.	851	and washers	176	825		
sugar of	269	831	Brazil	583 free.	850		
Mill—			cocoa	582 free.	850		
cranks	153	823	cream	584 free.	850		
irons	153	823	of all other kinds	309	832		
stones	126	818	palm	585 free.	850		
stones unmanufactured, etc.	723 free.	854	Nux vomica	658 free.	852		
			Okum	659 free.	852		
			Oar blocks	223	828		
			Oatmeal	260	830		
			Oats	259	830		

TARIFF OF 1890—Continued.		Paragraph.	Page.
Obscene advertisements, etc.	§§ 11, 12, 13	859, 860	
Ocher and ochery earths	54	814	
Oil	36, 46	814	
almond, amber, ambergris, aniline, anise, anise-seed, anthoss, aspic, bene, bergamot, cajepu, carraway, cassia, cedrat, chamomile, cinnamon, citronella, civet, cocoanut, fennel, jasmine, juglandium, juniper, lavender, lemon, limes, mace, neroli, nut oil, orange, orange flower, origanum, palm, roses, rosemary, sesame, sesamum-seed, spermaceti, thyme, valerian	661 free.	852	
cake	660 free.	852	
castor	37	814	
cloth, etc.	369	838	
cod-liver	38	814	
cotton-seed	39	814	
croton	40	814	
fish	46	814	
of American fisheries	661 free.	852	
flaxseed	41	814	
fruit	25	813	
fusel	42	814	
herring	46	814	
hempseed	43	814	
linseed	41	814	
olive	44	814	
unfit for eating, etc.	661 free.	852	
peppermint	45	814	
poppy-seed	41	814	
rape-seed	43	814	
seal	46	814	
seeds	285	831	
soluble	36	814	
whale	46	814	
of American fisheries	661 free.	852	
Oils	25, 36-45, 76	813-815	
distilled, essential, expressed, rendered	76	815	
for dressing leather or wire drawing	599 free.	851	
formanufacturing, etc., purposes, and of American fisheries	661 free.	852	
fruit	25	813	
of vitriol	5	813	
soluble	36	814	
Oleomargarine	§ 41	866	
Olives	662 free.	852	
Onions	280	831	
Opal glassware	110	817	
Opium,			
aqueous extract of	47	814	
crude	48	814	
not adulterated, etc.	663 free.	853	
for smoking	48	814	
internal tax and regulations	§§ 37-39	865, 866	
liquid preparations of	47	814	
other preparations of	47, 48	814	
tincture of	47	814	
Optical instruments, disks for lenses for	591 free.	851	
rough-cut, etc.	120, 121	818	
591 free.	851		
Orange,			
flower oil	661 free.	852	
mineral	65	815	
oil	661 free.	852	

TARIFF OF 1890—Continued.		Paragraph.	Page.
Orange—Continued.			
peel	305	832	
not preserved, etc.	664 free.	853	
sticks	756 free.	856	
301		832	
Oranges			
Oranges, lemons, and limes, duty on boxes	301	832	
Orchids	666 free.	853	
Orchil	665 free.	853	
liquid	665 free.	853	
Ore,			
antimony	485 free.	848	
chromic	132	819	
cobalt	539 free.	849	
copper	191	826	
emory	562 free.	850	
gold	667 free.	853	
iron	133	819	
lead	199	826	
manganese	643 free.	852	
manganiferous	133	819	
nickel	667 free.	853	
silver	667 free.	853	
tin	209	827	
not otherwise provided for	736 free.	855	
Organzine, silk	410	843	
Origanum oil	661 free.	852	
Orleans or rocou	484 free.	848	
extracts	484 free.	848	
Ornaments	100	816	
wool	398	842	
Orpiment	489 free.	848	
Osie,			
articles of	459	846	
for ornamenting hats, etc	518 free.	849	
manufactures	459	846	
prepared	459	846	
Osmium	668 free.	853	
Ottar of roses	661 free.	852	
Ox shoes, wrought	176	825	
Oxide,			
of cobalt	20	813	
of manganese	643 free.	852	
of strontia	725 free.	854	
of uranium	746 free.	855	
of zinc	60	815	
Packages for manufactured tobacco	§ 31	864	
Paddy	261	830	
Paintings	465	847	
for societies, etc	677, 757-759 free.	853, 856	
Paints	49-61	814, 815	
Palings	225	828	
Palladium	669 free.	853	
Palms	666 free.	853	
Palm-leaf,			
articles	460	846	
fans	564 free.	850	
suitable for making hats, etc	518 free.	849	
Palm nuts	585 free.	850	
kernels	586 free.	851	
oil	661 free.	852	
Pamphlets	423	844	
Paper	416-425	843, 844	
drawing	422	844	
envelopes	421	844	
for fire-boards	422	844	
for screens	422	844	
hangings	422	844	
manufactures of	421-425	844	
old	670 free.	853	
sheathing	416	843	
stock	670 free.	853	
Paper,			
albumenized and sensitized	419	844	

	Paragraph.	Page.
TARIFF OF 1890—Continued.		
Paper—Continued.		
albums	420	844
books	423	844
card-boards	420	844
copying	419	844
etchings, map charts, etc	423	844
filtering and letter-press copying	419	844
lithographic prints	420	844
lithographic prints for societies	515 free.	849
pamphlet and engraving		844
photographs	423	844
playing cards	424	844
printing	417, 418	843, 844
silver	419	844
surface-coated	420	844
tissue	419	844
writing and drawing	422	844
Papers, obscene	§§ 11, 12, 13	859, 860
Papier maché	461	846
Paraffine	671 free.	853
Parasol sticks	471	847
unmanufactured, etc	756 free.	856
Parasols and parts	470	847
Parchment	672 free.	853
Parian ware	100, 101	816
Paris white	59	815
Partridge sticks	756 free.	856
Paste, Brazil	517 free.	849
Peanuts, or ground beans	308	832
Pearl, mother of	673 free.	853
Pearl buttons	429	844
Pearls	453	845
Peas, prepared or preserved	281	831
dried	281	831
green	281	831
split	281	831
Pebbles for spectacles	519 free.	849
Peddlers of tobacco	§§ 28, 29	863
Peel,		
lemon	664 free.	853
orange	664 free.	853
Peltries, Indian	674 free.	853
Pen-holders and parts thereof	205	827
Pen-knives	165	824
Pencils	466, 467	847
hair	427	844
Pens, metallic	204	826
Pepper	326	833
unground	719 free.	845
Peppermint oil	45	814
Percussion caps	442	845
Periodicals	657 free.	852
how distributed	657 free.	852
Perfumery	8	813
Personal effects	675, 752 free.	853, 855
Pewter,		
manufactures of	215	827
old	676 free.	853
Philosophical apparatus, instruments, preparations, societies, and institutions	677 free.	853
Phosphates	678 free.	853
Phosphorus	68	815
Photographs	423	844
printed more than 20 years, and for educational purposes, etc	512, 758, 759 free.	849, 856
Photographic pictures for exhibition	758, 759 free.	856
Pickets	225	828
Pickles	287	831
Pipe,		
bowls	468 free.	847

	Paragraph.	Page.
TARIFF OF 1890—Continued.		
Pipe—Continued.		
cast-iron	160	824
Pipes	468	847
clay	468	847
iron or steel	157	823
Pimento	720 free.	854
sticks	756 free.	856
Pins	206	827
Pistols	170	825
Pitch	731 free.	855
Burgundy	523 free.	849
Placques	100	816
Plaits for hats, bonnets, and hoods	518 free.	849
Planking, ship	755 free.	855
Planks, deal, etc	218	827
Plants	282	831
for U. S. Department of Agriculture or Botanical Gardens	679 free.	853
fruit	577 free.	850
Plaster of Paris	680 free.	853
Plate glass	114-118	818
polished	115, 119	818
Plates,		
fashion	566 free.	850
lithograph, steel, engraved, stereotype	180	825
Platina	681 free.	853
Platinum	682 free.	853
articles of	215	827
Playing cards	424	844
Plumbago	683 free.	853
Plums	299	832
Plush (hatters'), silk	350, 469	837, 847
Plushes,		
wool	396	842
silk	411	843
Pocket-knives	165	824
Poles, hop	755 free.	855
Polishing stones	684 free.	853
Pool-balls	435	844
Poppy oil	41	814
Poppy seed	285	831
Porcelain ware	100, 101, 110	816, 817
Pork	311	832
Porter	337	834
Posts	223	828
Potash,		
bichromate of	69	815
carbonate of, crude or fused	685 free.	853
caustic	70	815
chlorate of	685 free.	853
chromate of	69	815
hydriodate of	71	815
iodate and iodide of	71	815
muriate of	685 free.	853
nitrate of, crude	685 free.	853
refined	72	815
prussiate of, red	73	815
yellow	73	815
sulphate of	685 free.	853
Potatoes	283	831
Poultry	315	833
Powder,		
bleaching	635 free.	852
bronze	190	826
gun	440	845
Powders,		
fulminating	439	845
ink	30	814
Precious stones	454	845
imitations	454	845
rough, uncut, and unset	557 free.	850
Preparations, medicinal	74-77	815
of coal tar	19	813

TARIFF OF 1890—Continued.	Paragraph.	Page.
Printed matter	420	844
Printers' ink	30	814
Products of forests of Maine.	§ 15, 16	860
Professional implements	686 free.	853
instruments	686 free.	853
Proprietary preparations	75	815
Proto-oxide of strontian	725 free.	854
Prunes	299	832
Prune juice and wine	339	835
Prussian blue	50	814
Prussiate of potash, red and yellow	73	815
Pulp, paper, and books, Schedule M	415-425	843
Pulp, wood	415	843
Putty	59	815
Pulu	687 free.	853
Pumice	688 free.	853
stone	723 free.	854
Pyrites	133	819
Pyroxyline, compounds	21	813
Quicksilver	207	827
colors	57	815
Quills	689 free.	854
Quinia—		
barks used in manufacture of	499	848
salts of	690 free.	854
sulphate of	690 free.	854
Quoits	552	850
Rags	691 free.	854
woolen	389	840
Railroad ties	755 free.	855
Railway—		
bars, iron or steel	141	820
fish plates	181	825
Raisins	302	832
Rape-seed	699 free.	854
oil	43	814
Rasps	168	824
Ratafia	332	834
Rattan braids, plaits, laces, etc	518 free.	849
Rattan mattings	464	846
Rattans	229	856
unmanufactured	756 free.	856
Razors	165	824
Reciprocal trade	§ 3	856
Records of tobacco manufacturer	§ 33	864
collector internal revenue	§ 34	865
oleomargarine manufacturer	§ 41	866
Red lead	66	815
Reeds and bamboo	756 free.	856
Reeds, wrought or manufactured	229	828
Regalia, gems, etc	692 free.	854
Regulus of antimony	187	826
Re-importation of articles	§ 22	861
Religious societies and institutions	677, 692	853, 854
Rendered oils	76	815
Rennets	693 free.	854
Repair, machinery for	§ 14 free.	860
Repealing section	§ 55	869
Residuum from burnt pyrites	133	819
Resins, gum and medicinal	24	813
crude, not edible, etc	560 free.	850
Retorts	682 free.	853
gas	102	817
Rice, and rice-flour and meal	261	830, 831
Rifles	169	825
Rochelle salts	92	816
Roucou, extracts of	484 free.	848
Rivets, iron	182	825

TARIFF OF 1890—Continued.	Paragraph.	Page.
Rope,		
ends	670 free.	853
hide	607 free.	851
waste	670 free.	853
Roofing slate	131	819
Root,		
arrow	488 free.	848
dandelion	321	833
dandelion, unground,	556 free.	850
ginger	716 free.	854
licorice	632 free.	852
Roots	24	813
bulbous	699 free.	854
for dyeing, crude, etc	560 free.	850
hop	610 free.	851
Rosemary oil	661 free.	852
Roses, ottar of	661 free.	852
Rosewood	220	828
unmanufactured, etc	756 free.	856
Rotten-stone	723	854
Round iron	135	819
in coils	136	819
Rubber	460, 461	846
clothing	349, 413	837, 843
crude, etc	613 free.	851
Ruchings	373	839
silk	413	843
Ruffings	373	839
silk	413	843
Rugs	408	843
Rum, bay	334	834
Rye	262	831
flour	263	831
safflower, etc	694 free.	854
Sage	326	833
Sago	695 free.	854
Saleratus	80	816
Salacine	696 free.	854
Salmon	292	831
Sal-soda	83	816
Saloup	700	854
Salt	322	833
black	685	853
cake	85	816
epsom	34	814
morphia	35	814
of quinia	690 free.	854
Rochelle	92	816
Salt peter,		
crude	685 free.	853
refined	72	815
Sand	723 free.	854
Sandstone	127, 128	819
Santonine	78	815
Sardines	291	831
Satin white	51	814
Satinwood	220	828
unmanufactured, etc	756 free.	856
Sauces	287	831
Saur-kraut	697 free.	854
Sausage,		
Bologna	509 free.	849
skins	698 free.	854
Saws, back, circular, crosscut, drag, hand, mill, pit	183	825
Saw plates, steel	152	823
Saxony carpets	400	842
Scientific apparatus, instruments, preparations for societies and institutions	677 free.	853
Scrap iron and steel	134	819
Screens	408	843
paper for	422	844
Screws	184	825
wire rods	147	822

	Paragraph.	Page.
TARIFF OF 1890—Continued.		
Scroll iron.....	140	820
Sculpture, specimens of.....	677 free.	853
Sea-weed.....	653 free.	852
Seal oil.....	46	814
Seed,		
agricultural.....	286	831
all other.....	286	831
anise.....	699 free.	854
canary.....	699 free.	854
caraway.....	699 free.	854
cardamon.....	699 free.	854
castor.....	284	831
coriander.....	699 free.	854
cotton.....	699 free.	854
cummin.....	699 free.	854
fennel.....	699 free.	854
fenugreek.....	699 free.	854
flax.....	285	831
flower.....	699 free.	854
grass.....	699 free.	854
hemp.....	699 free.	854
hoarhound.....	699 free.	854
lin.....	285	831
mustard.....	699 free.	854
poppy.....	285	831
rape.....	699 free.	854
Saint John's bread or bean.....	699 free.	854
sugar-beet.....	699 free.	854
Seeds.....	284-286, 699	831, 854
aromatic.....	24	813
aromatic, crude, etc.....	560 free.	850
garden.....	286	831
of morbid growth.....	24	813
of morbid growth, crude, etc.....	560 free.	850
oil.....	285	831
Seines.....	367	838
Selep.....	700 free.	854
Sensitized paper.....	419	844
Sesame oil.....	661 free.	852
Sewing silk.....	410	843
Shell, manufactures of.....	462	846
Sheep.....	250	829
skins.....	456	846
Shale, coal.....	432	844
Shavings.....	670 free.	853
Shawls of wool, etc.....	392	841
Sheathing, metal.....	195	826
paper.....	416	843
felt.....	569 free.	850
Sheet-iron.....	142, 143, 144	820, 821
polished, planished, or glanced.....	144, 152	821, 823
Shell—		
buttons.....	429	844
fish.....	296	832
fish.....	703 free.	854
Shells.....	701 free.	854
Shingle-bolts.....	755 free.	855
Shingles.....	226	828
Ship—		
irons.....	153	823
planking.....	755 free.	855
timber.....	755 free.	855
Ship's chronometers.....	210	827
Shirts and wearing apparel.....	372	838
Shoddy, woolen.....	388	840
Shoes.....	456	846
Shooks.....	228	828
Shot.....	201	826
guns.....	170	825
gun barrels.....	702 free.	854
Shrimps.....	703 free.	854
Shrubs.....	282	831
Side arms.....	680	853
Sienna and sienna earths.....	54	814
Silicate, alkaline.....	84	816

	Paragraph.	Page.
TARIFF OF 1890—Continued.		
Silicate—Continued.		
of soda.....	84	816
Silk,		
and silk goods.....	414	843
and silk goods, Schedule L.....	409	843
braces, beltings, etc.....	412	843
carded.....	409	843
clothing, ready-made, and wearing apparel.....	413	843
coccons.....	705 free.	854
combed.....	409	843
floss.....	410	843
gorings.....	412	843
hatters' plush.....	469	847
knit goods.....	413	843
laces, embroideries, etc.....	413	843
manufactures of.....	414	843
organzine.....	410	843
partly manufactured.....	409	843
pile fabrics.....	411	843
plushes.....	411	843
raw.....	704 free.	854
rubber clothing.....	413	843
sewing.....	410	843
singles.....	410	843
spun.....	410	843
suspenders.....	412	843
threads.....	410	843
thrown.....	410	843
tram.....	410	843
twist.....	410	843
velvets.....	411	843
waste.....	705 free.	854
webbing.....	412	843
worms' eggs.....	706 free.	854
yarns.....	410	843
Silver,		
articles of.....	196	826
bullion.....	522 free.	849
coin.....	544 free.	850
German.....	188	826
leaf.....	198	826
medals.....	648 free.	852
ore.....	667 free.	853
paper.....	419	844
sweepings.....	729 free.	855
Similitude clause.....	§ 5	857
Sirups of sugar-cane juice or beet-juice.....	726 free.	855
Sisal-grass.....	596 free.	851
cable, cordage, and twine.....	362	955
Size, gold.....	56	815
Skeletons.....	707 free.	854
Skelp-iron.....	138	820
Skins.....	456, 573, 605, 845, 850,	851
Angora goat.....	605 free.	851
asses'.....	605 free.	851
fish.....	573 free.	850
fur.....	588 free.	851
goat.....	605 free.	851
gold-beaters'.....	598 free.	851
sausage.....	698 free.	854
Slack, coal.....	432	844
Slate chimney pieces, mantels, pencils, slabs for table, other manufactures.....	130	819
slates.....	130	819
roofing.....	131	819
Sledges.....	156	823
Smelting in bonded ware- houses.....	§ 24	861
Smokers' articles.....	468	847
Smoking opium.....	48	814
Snails.....	708 free.	854
Snuff, internal-revenue taxes reduced.....	§ 30	864

TARIFF OF 1890—Continued.	Paragraph.	Page.
Snuff and snuff flour	245	830
Soap,		
fancy	79	815
other	79	815
stocks	599 free.	851
Soda	80-85	816
and potassa tartrate	92	816
ash	83	816
bicarbonate of	80	816
bichromate and chromate of	82	816
borate of	14	813
caustic	81	816
chlorate of	709 free.	854
crystals	83	816
hydrate	81	816
nitrate of	709 free.	854
oleates of	36	814
sal	83	816
silicate of	84	816
sulphate of	85	816
supercarbonate of	80	816
water	340	835
Sodium	710 free.	854
Sour orange juice	631 free.	852
Spar manufacture	459	846
Sparterrie	711	854
Special taxes, certain, repealed when payable	§ 26 § 53	862 869
Spectacles	119	818
and eye-glass lenses	121	818
pebbles for	519 free.	849
Specimens of natural history, etc	712 free.	854
Spermaceti oil	661 free.	852
Spices	326, 713-720	833, 854
Spiegeleisen	134	819
Spike lavender oil	661 free.	852
Spikes, iron and steel, for vessels	§ 8	858
Spirits	329-334	833, 834
from grain	329	831
rule for assessing duties	330	834
wines and other beverages, Schedule H	329	833
Sponges	86	816
Spool thread, cotton	343	835
Spun silk	410	843
Spunk	721 free.	854
Spurs for crockery	722 free.	854
Square iron	135	819
Stamping, branding, etc	§ C	858
Starch	323	833
burnt	324	833
Stars, metal	196	826
Statuary	465, 758	847, 856
for exhibition	692, 758, 759 free.	854, 856
Statuettes	100	816
Stave bolts	753 free.	855
Staves	227	828
Stays, boiler	157	823
Steel (See Iron),		
alloys	142	820
angles	137	819
articles of	215	827
axles, parts of, forgings	154	823
bands	140, 143	820
bars	152	823
splice	181	825
beams	137	819
billets	146	821
blacksmiths' hammers and sledges	156	823
blooms	136, 819	146, 821
boiler tubes, flues, or stays	157	823
bolts and bolt blanks	158	823
bolts for vessels	§ 8 free.	858

TARIFF OF 1890—Continued.	Paragraph.	Page.
Steel—Continued.		
building forms	137	820
car-truck channels	137	819
castings	146	821
chain or chains	164	824
channels	137	819
circular-saw plates	152	823
connecting rods	146	821
crank and other shafts	146	821
crank-pins	146	821
crow-bars	156	823
cut nails and spikes	173	825
deck and bulb beams	137	820
definition of	150	823
die blocks or blanks	146	821
forgings	139	820
girders	137	819
gun molds	146	821
hammer molds	146	821
hoops	140, 143	820
in all forms	146	821
ingots	146	821
ingots cogged	146	821
joists	137	819
nails	173, 174, 175	825
nails for vessels	§ 8 free.	858
nuts, wrought	158	823
piston-rods	146	821
plates	138, 143	820
plates engraved	180	825
rails, flat and tee	141	820
railway bars	141	820
railway fish-plates	181	825
rivets	182	825
rods	147	822
rods for rivets, screws, nails, and fence wire	147	822
rods for vessels	§ 8 free.	858
scrap	134	819
shapes or blanks	146	821
sheets	142-145	820, 821
slabs	146	821
spikes for vessels	§ 8 free.	858
spikes, wrought	176	825
strips	152	823
structural shapes	137	820
swaged	146	821
TT, columns and posts	137	819
track tools	156	823
washers, wrought	176	825
wedges	156	823
wheels	185	825
wire card clothing	159	824
wrist-pins	146	821
Stems	24	813
crude, etc	560 free.	850
tobacco	738 free.	855
stereotype plates	180	825
sticks, walking	756 free.	856
stilts for crockery	722 free.	854
still wines	336	834
Stock,		
glue	606 free.	851
paper	670 free.	853
soap	599 free.	851
Stockings, cotton	352, 353	837
Stone,		
burr	126	818
burr unmanufactured, etc	723 free.	854
cliff, pumice, rotten	723 free.	854
ware	99, 100, 101	816
Stones	126-129	818, 819
building	127, 128	819
burr	126	819
burr unmanufactured, etc	723 free.	854
curling	552 free.	850

	Paragraph.	Page.
TARIFF OF 1890—Continued.		
Stones—Continued.		
flint	574 free.	850
freestone	127, 128	819
granite	127, 128	819
grind	129	819
limestone	127, 128	819
lithographic	636 free.	852
load	638 free.	852
mill	126	818
mill unmanufactured, etc.	723 free.	854
monumental	127, 128	819
precious	454	845
sandstone	127, 128	819
Storax	724 free.	854
Straw	289	831
braids, plats, and laces	518 free.	849
flax	356	838
manufactures of	460	846
Strontia, carbonate of, oxide of	725 free.	854
Strontian, protoxide of	725 free.	854
Strontianite	725	854
Strychnia, salts of strychnine,	87	816
Styrax	724 free.	854
Subacetate of copper	749 free.	855
Sugar	231-241	828-830
all not above number six-		
teen Dutch standard, etc	726 free.	855
bounty regulation on domes-		
tic	231-236, 241	828-830
beet seed	699 free.	854
candy	238, 239	829
duty on above 16 D. S.	237	829
countervailing duty	237	829
grape	240	829
machinery for manufactur-		
ing beet sugar	237 free.	829
manufactured, in bond tem-		
porarily	241	830
not above 16 D. S. free	726	855
maple	231-234, 726	828, 829, 855
of milk	269	831
reciprocity provisions	§ 3	856
Schedule E	231	828-830
sorghum bounty	231-236, 241	828-830
Sulphate,		
of alumina	9	813
of ammonia	10	813
of barytes	51	814
of copper	12	813
of iron	23	813
of lime	680	853
of magnesia	34	814
of potash	685 free.	853
of quinia	690 free.	854
of soda	85	816
Sulphide,		
of antimony	485 free.	848
of arsenic	489 free.	848
Sulphur	88, 727	816, 855
flowers of	88	816
lac	727 free.	855
ore	727 free.	855
precipitated	727 free.	855
refined	88	816
sublimed	88	816
Sulphuret of iron	133	819
Sulphuric acid	5	813
for agricultural purposes,		
etc	728 free.	855
Sulphuric ether	25	813
Sumac,		
ground	89	816
extract	26	813
Sundries, Schedule N	426	844
Sunken vessels, merchandise	§ 23 free.	861
Sunn	597 free.	851

	Paragraph.	Page.
TARIFF OF 1890—Continued.		
Sunshade sticks	471	847
Sunshades and parts	470	847
unmanufactured, etc	756 free.	856
Surface-coated papers	420	844
Suspenders,		
silk	412	843
cotton	354	837
wool	398	842
Sweetmeats	303	832
Sword blades and swords	166	824
Sycamore lumber	218	827
Tacks	177	825
Taggers iron and tin	142, 143	820
Tallow	316	833
Talmas, woolen	397	842
Tamarinds	581 free.	850
Tamboured articles	373	839
Tampico fiber	592 free.	851
Tank-bottoms	726	855
Tannic acid and tannin	6	813
Tanning articles	26	813
crude, etc	492 free.	848
Tapestry Brussels carpets	403	842
velvet carpets	402	842
Tapioca	730 free.	855
Tar, coal,		
crude	538	849
products of	18, 19	813
Tar, wood	731 free.	855
Tartar,		
cream of	90	816
crude	487 free.	848
partly refined	91	816
Tartaric acid	7	813
Tartrate, soda and potassa	92	816
Tassels,		
wool	398	842
metal	196	826
Taking effect of act	§ 50	868
Tea and plants	732 free.	855
Teasels	290	831
Teeth	733 free.	855
Terne plates	143	820
Terra-alba	734 free.	855
Terra Japonica	735 free.	855
Thread,		
cotton	342, 343	835
cotton, spool	343	835
flax	370	838
hemp	370	838
Thread, silk	410	843
Thyme oil	661 free.	852
Ties, railroad	755 free.	855
Tiles	94	816
Timber	216, 217, 754	827, 855
in Canadian provinces	§§ 15, 16 free.	860
for vessels	§ 8 free.	858
not especially enumerated,		
etc	754 free.	855
ship	755 free.	855
Tin,		
articles of	215	827
bars, blocks, ore, oxide, pigs	209, 736	827, 855
cans	328	833
cassiterite	209	827
grains	736 free.	855
granulated	736 free.	855
manufactures of	143	820
plates	143, 145	820, 821
plates, limitation on duty	143	820
plate drawbacks	328	833
taggers	142, 143	820
Tissue paper	419	844
Tobacco	242-246	830
and manufactures of, Sched-		
ule F	242	830

	Paragraph.	Page.
TARIFF OF 1890—Continued.		
Tobacco—Continued.		
internal-revenue provisions,		
special taxes repealed	§ 26	862
restrictions removed from		
farmers	§ 27	863
peddlers	§§ 28, 29	863
taxes reduced	§ 30	864
packages	§ 31	864
cigars, how packed	§ 32	864
cigarettes, how packed	§ 32	864
manufacturers' records	§ 33	864
collectors' records	§ 34	865
special-tax year	§ 53	869
cigar manufacturers' bond	§ 35	865
manufactured	244	830
provisions for re-importa-		
tion	493 free.	848
stems	738 free.	855
unmanufactured	243	830
Tile and fire-brick	93, 94	816
Tinsel wire	737 free.	855
Toilet preparations	77	815
Tonka beans	739 free.	855
Tools	156	823
of trade	686 free.	853
Toys	100, 436	816, 844
Track tools, iron or steel	156	823
Trade marks, fraudulently		
copying	§ 7	858
Tram silk	410	843
Trees	282	831
for U. S. Department of		
Agriculture or Botani-		
cal Gardens	679 free.	853
Trimnings,		
cotton flax	373	838
dress	398	842
for hats, bonnets, and hoods	518 free.	849
Tripoli	740 free.	855
Tubes	157	823
boiler	157	823
Turmeric	741 free.	855
Turpentine, spirits of	743 free.	855
Venice	742 free.	855
Turtles	744 free.	855
Twine,		
binding	362	838, 955
gilling	367	838
seine	367	838
Twist, silk	410	843
Type-metal	208	827
Types	745 free.	855
Tuckings	373	839
Turkey red oil	36	814
Ulsters	397	842
Ultramarine	55	815
Umber and umber earths	54	814
Umbrella sticks	471	847
not manufactured	756 free.	856
Umbrellas, and parts	470, 471	847
Unenumerated articles	§ 4	857
United States—		
articles for	514 free.	849
vessels	§ 8 free.	858
Unmanufactured articles not		
enumerated	§ 4	857
Upper leathers	457	846
Uranium, oxide of	746 free.	855
Vaccine virus	747 free.	855
Valerian oil	661 free.	852
Valonia	748 free.	855
Varnishes	56	815
Vases	100	816
Vegetable—		
ivory	462	846
wax	751 free.	855

	Paragraph.	Page.
TARIFF OF 1890—Continued.		
Vegetables	287, 288	831
Vehicles of immigrants	483 free.	848
Vellum	672 free.	853
Velvet, cotton	350	837
carpets	402	842
Velvets, silk	411	843
Venetian chain carpet	404	842
Venice turpentine	742 free.	855
Verdigris	749 free.	855
Vermicelli	258	830
Vermilion red	57	815
Vermuth	336	834
Vessels—		
built in the United States,		
materials for	§ 8 free.	858
cast iron	161	824
discriminating duty on	§ 17	860
Vials, glass	103, 104	817
Vinegar	327	833
Vines	282	831
Vitriol, blue	122	813
oil of	5	813
Wads, gun	446	845
Wafers	750 free.	855
Wagon blocks	223	828
Wagons of immigrants	483 free.	848
Walking-sticks	756 free.	856
Walnuts	307	832
Warps, or warp-yarn cotton	342	835
Wash blue	58	815
Waste	472	847
cotton	549 free.	850
woolen	388	840
Watches	211	827
Watch—		
cases	211	827
glasses	211	827
jewels	557 free.	850
movements and parts of	211	827
parts of	211	827
Waters, mineral	341	835
all not artificial	650 free.	852
Water-color paints	61	815
Wax, manufactures of	159	846
mineral	751 free.	855
vegetable	751 free.	855
Wearing apparel	349, 396, 413, 836, 842,	843
actually in use, etc	752 free.	855
Wearing apparel, rubber	349, 413	837, 843
Webbing,		
cotton	354	837
silk	412	843
wool	398	842
Wedges, iron and steel	156	823
Weeds	24	813
crude, etc	560 free.	850
manufactures of	460	846
Whalebone, manufactures of	460	846
Whale oil	46	814
Wheat	264	831
flour	265	831
Wheels,		
hubs for	223	828
or parts thereof	185	825
steel	185	825
Whetstones	608 free.	851
White lead	67	815
Whitewood and white-pine		
lumber	218	827
Whiting	59	815
Whip-gut	459	846
unmanufactured	529 free.	849
Willow,		
articles	459	846
sheets and squares, for hats,		
bonnets, and hoods	518 free.	849

TARIFF OF 1890—Continued.		Paragraph.	Page.	TARIFF OF 1890—Continued.		Paragraph.	Page.
Wilton carpets	400	842	Wool—Continued.				
Window curtains, of lace	373	838	classification of	375-378	839		
glass	112	817	definition of	376-378	839		
Windows, stained or painted			different rates of, according				
glass	122	818	to condition	383	840		
Wines,			duty of first class	384	840		
coloring	22	813	duty of second class	384	840		
prune	339	835	duty of third class	385, 386	840		
sparkling	335	834	noils	388	840		
still	336	834	on the skin	387	840		
sweet, fortification of	§42-49	866, 868	roping, roving, or tops	390	840		
Wings, metal	196	826	slubbing waste, roving				
Wire,			waste, ring waste, yarn				
cloths, corset, crinoline, gal-			waste, garnetted waste,				
vanized, hat, nettings,			top waste	388	840		
rope, strand, covered			unwashed	382	840		
with cotton or silk	148	822	Wools	375-408	839, 843		
iron and steel	147, 148	822	on the skin	387	840		
nails	175	825	scoured	381	839		
for vessels	§8 free.	858	washed	382	840		
additional duties	148	822	Woolen—				
rods	147	822	braces, beltings, bindings,				
Witherite	500 free.	848	etc	398	842		
Women's hats	451	845	braids, galloons, fringes,				
Wood,			gimps, etc	398	842		
and manufactures of, Sched-			blankets	393	841		
ule D	216	827	bunting	395	842		
ashes	495 free.	848	coat linings	394, 395	841, 842		
lye of	495 free.	848	cords, cords and tassels, etc	398	842		
blocks of various kinds	223	828	cloaks, dolmans, jackets,				
bolts	755 free.	855	talmas, etc	397	842		
box	220	828	cloths	392	841		
box, not manufactured	756 free.	856	clothing, ready-made	396	842		
cabinet	220	828	dress goods	394, 395	841, 842		
cabinet, not manufactured	756 free.	856	dress trimmings, laces, em-				
casks and barrels, etc	228	828	broideries	398	842		
cedar	756 free.	856	felt and felt fabrics	396	842		
posts, etc	219	828	flannels	393	841		
cabinet furniture	230	828	flocks	389	840		
chair cane	229	828	grease	316	833		
clapboards	221, 222	828	hats of wool	393	841		
ebony	220	828	Italian cloths	394, 395	841, 842		
ebony, not manufactured	756 free.	856	knit fabrics	392	841		
fence posts	755 free.	855	manufactures of	375-408	839-843		
fire	755 free.	855	mungo	389	840		
foreign export duties	218	827	plushes	396	842		
granadilla	220	828	rags	389	840		
granadilla, unmanufactured	756 free.	856	shawls	392	841		
house furniture	230	828	shoddy	388	840		
lance	220	828	waste	388	840		
lance, unmanufactured	756 free.	856	yarns	391	840		
laths	224	828	nets, buttons, barrel but-				
lignum-vitæ	220	828	tons, etc	398	842		
lignum-vitæ, unmanufac-			tassels and ornaments	398	842		
tured	756 free.	856	webbing, gorings, suspend-				
mahogany	220	828	ers, etc	398	842		
mahogany, unmanufactured	756 free.	856	Works of art	757, 758, 759 free.	856		
manufactures	230	828	Worm gut, manufactures	459	846		
pickets and pailings	225	828	Worm gut	529 free.	849		
rose	220	828	Worsted cloths	392	841		
rose, unmanufactured	756 free.	856	Worsted yarns	391	840		
satin	220	828	Yams	760 free.	856		
satin, unmanufactured	766 free.	856	Yarn,				
shingles	226	828	coir	545 free.	850		
staves	227	828	cotton	342	835		
timber	216, 217	827	flax	370	838		
veneers of	220	828	hemp	370	838		
Wood-tar	731 free.	855	jute	361	838		
Wood, unmanufactured	220	828	silk	410	843		
Woods	756 free.	856	woolen	391	840		
crude, etc	560 free.	850	worsted	391	846		
for dyeing	24	813	Yellow metal	195	826		
writing-paper	422	844	Zaffer	761 free.	856		
Wool,			Zinc	212-214	827		
and manufactures of, Sched-			blocks	212	827		
ule K	375	839	pigs	212	827		

	Paragraph.	Page.
TARIFF OF 1890—Continued.		
Zinc—Continued.		
sheets	213	827
old	214	827
oxide of	60	815
TAXES (See <i>Internal revenue; Customs; Tariff; Tariff of 1890</i>),		
authority to employ persons to assist in collecting, etc., repealed		37
repeal of tax on bank checks, matches, perfumery, medicines, etc	405	
repeal of bank tax on capital and deposits of 10 per cent. on notes other than national-bank notes for circulation	404	
ten per cent. tax on notes of persons, State banks, etc., to apply to evidences of indebtedness	61	
on circulating notes, etc., of mining, etc., companies, prior to November, 1873, may be remitted	61	
on distilled spirits	96	287, 289
(See <i>Distilled spirits.</i>)		
withdrawn from distillery warehouse for exportation may be remitted on such as is lost by leakage or accident	275	
except to extent of excessive insurance unpaid, in such case not to be collected	275	
on spirits in warehouse to be collected when loss is excessive	286	
to be paid within three years from entry	286	
allowance for loss of, by leakage and other casualties	288	
none, on manufacture of wooden stills by distillers for their own use	289	
on spirits sold for taxes may be reduced when tax is greater than value of spirits	234	
assessments for deficient production by distillers may be remitted in certain cases	235	
distillers of fruit exempt from	235	
on spirits accidentally destroyed by fire may be remitted or refunded	235	
not to be remitted when fully insured	228	
on tobacco and snuff	864	
on cigars and cigarettes	405	
assessment of, on tobacco, snuff, and cigars removed without stamps	239	
imported scraps of tobacco, etc., may be transferred to manufacturer without payment of	239	
drawback of, on tobacco, snuff, and cigars when exported	240	
assessment and collection of	225	
annual returns by persons liable to	225	
collector may examine persons and papers	226	
collectors not to issue receipts in lieu of stamps	226	
to be a lien on all property	226	
proceedings in sale of real estate for payment of	226, 227	
Commissioner to have charge of real estate acquired by, and may sell or lease same, or release on payment	227	
in District of Columbia, rate, assessment and collection, etc.	22, 180,	216
list of lots sold to be kept		216
(See <i>District of Columbia,—taxation.</i>)		
TEAS.		
importation of adulterated and spurious prohibited		398
provisions concerning		398, 399
TELEGRAPH.		
receipts from private dispatches on Government telegraph to be paid into Treasury		420

	Page.
TELEGRAPH—Continued.	
wires of, in District of Columbia not to be erected over streets, etc	597, 598
subsidized railroads to maintain	602-604
connecting Capitol with Departments may be used only on public business	5
to be under supervision of officer in charge of public buildings and grounds	3
condemned material for, may be sold	251
willful injury to works of United States lines of, how punished	46
military, on frontier, reports of expenditures of	74
disbursing officer for	note 896
Signal Office to have control of	74, 879
telegrams may be transmitted by certain railroad companies for Army	267, 268
facts concerning, to be included in census	260
TELEPHONE COMPANIES,	
in District of Columbia, how formed	314
TENNESSEE,	
district judge for western district of, his salary and powers	181
judge for eastern district	181
Perry County added to middle judicial district	90
western judicial district in, divided into eastern and western divisions, etc	202, 203
Hardeman County added to eastern division of western district	392
eastern judicial district divided into northern and southern divisions	295
clerks, marshal, and attorney of	295
each to appoint deputy at Chattanooga	295
courts to be held at Chattanooga	295
suits, etc., where to be commenced, etc	295
residence of jurors	296
service of jurors	296
may make laws for protection or lease of school lands	439
Chattanooga a port of delivery	318
port of Memphis extended	676
Knoxville, Nashville, and Memphis, ports of delivery, with privileges of immediate transportation	895
Fentress County added to southern division of eastern judicial district	471
Grundy County added to middle judicial district	471
TENURE OF OFFICE ACT,	
provisions of, repealed	558
TERRITORIES (See <i>the several Territories</i>),	
officers of, appointed by President not to have salaries until sworn in	100
to take oath of office within Territories	100
appeals from courts of to circuit court of appeals	905
Army officers not to hold office in unless retired	412
allotments of lands in severalty to Indians in	notes 534-537
permanent appropriation for supply of stores to militia of	537
Secretary of War to issue arms, etc., to	124, 148, 164, 205
sessions of legislatures of, limited	313
extra, not to be called without approval by President	31
number and pay of members of legislatures to be divided into council and representative districts	200
subordinate officers of legislatures	201
secretaries allowed fees in certain cases	201
expenses for public printing by, not to exceed \$2,500 a year	201
secretaries of, to furnish annual estimates	17

	Page.		Page.
TERRITORIES—Continued.		THIRD ASSISTANT POSTMASTER-GENERAL (See <i>Postal Service; Postmaster-General; Post-Office Department</i>),	
to furnish to surveyor-general copies of acts incorporating towns	139	may sign contracts for postage stamps, etc.	135
not prohibited from creating towns, cities, and municipal corporations	172	THIRD ASSISTANT SECRETARY OF STATE ,	
may provide for custody, etc., of convicts in other Territory or State	299	appointment of, etc	17
justices of peace in, to fill vacancies; how appointed	280	THIRD AUDITOR , (See <i>Accounting officers; Auditors</i>),	
to hold till successors are elected	280	duties of, in relation to allowance of claims of loyal citizens for stores furnished Army during the rebellion	14, 159
courts in, need not exercise common law and chancery jurisdiction separately	7	accounts of Signal Service to be settled by	793
right of trial by jury preserved	7	TIMBER ,	
appellate jurisdiction from, to Supreme Court of United States; how exercised, and proceedings in ... 7, 485, note	901	to encourage growth of, laws repealed	note 940
timber may be cut on public lands in for domestic purposes, etc	166	claims already initiated, preserved	940
act prohibiting passage of local or special laws, and limiting indebtedness, etc	503, 505	requirement of planting 2,700 trees on each acre repealed	940
may create counties	598	period of cultivation to run from entry-entries may be commuted after 4 years	940
homes for disabled soldiers, etc., in, to be aided	617, 618	may be cut from mineral lands in certain States, etc., for domestic purposes	166
in schools of, study of effects of alcoholic, etc., drinks, compulsory	492	sale of lands in California, Oregon, Nevada, and Washington, chiefly valuable for penalty for unlawfully cutting, on public lands in California, Oregon, Nevada, and Washington	169
inspection of coal mines	948-950	degradation action may be defended if timber is removed under regulations of Secretary of Interior	939
Territorial statutes to supersede this law aliens prohibited from holding real estate in	950	cut from public lands and exported from Territories liable to seizure	159
laws of holding real estate by corporations	556	degradation of, on Indian reservations and lands reserved for military or other purposes	588
having libraries to receive Congressional Record	387	Indians may cut or remove dead	645
act punishing bigamy and polygamy in ...	331-333, 568	notices of contest under timber-culture laws	169
TEXAS,		TOBACCO (See <i>Internal revenue</i>),	
judicial districts in	note 217-220, 438, 674, 885	for Navy, how to be purchased	326
times of holding courts in	note 217, 439, 674, note 703	manufacturers of, removing same from warehouse for export may give transportation bond	61, 385
processes against defendants in different counties; where to be returned	218	provisions for exportation of	61, 62, 240, note 385, 391, 511
suits against more than one defendant in different divisions	219	fraudulently claiming drawback on, how punished	62, 386
transfer of pending cases	219	internal-revenue tax on	864
assignment of judges	219	tariff on	830
judge for northern district	219	reimported, to pay internal-revenue tax	848
district attorney and marshal for northern district	219	perique, in form of cheroots, may be sold by producer without payment of	391
present district attorneys, marshals, and clerks	219	special tax on dealers, peddlers, and manufacturers repealed	862
clerk and deputies for northern district	220	manufacturers of, to furnish statement to collector before commencing business	237
deputy at El Paso	438	to give bond	237
part of Indian Territory annexed	389, 674	to obtain certificate of collector, etc	238
Jackson County transferred from western to eastern district	265	penalties for violations of law	238
processes returnable at San Antonio instead of Brownsville for certain counties	266	to affix label to packages of	405
in which division offenses to be tried	297	dealers in leaf to keep certain books	238
Aransas County added to western district	297	packages of, how to be put up	238, 239
district and circuit courts in western district of, when and where to be held	217	assessment of tax on, when removed without stamps	239
boundary between, and Public Land Strip and New Mexico	927	imported scraps, cuttings, etc., of, may be transferred to manufactory without payment of tax	239
Indians prohibited from going into	149	restrictions upon growers of, repealed	863
cavalry to be employed in defense of frontier	282	growers must report sales on demand	863
Galveston a collection district	676	peddlers of, to obtain certificate of collector	863
San Antonio to be a port of immediate delivery	715	forfeitures for refusing to produce certificates when demanded	863
Galveston, Houston, Brownsville, Corpus Christi, Indianola, ports of immediate delivery	293, 294	horses, wagons, etc., of, unlawfully used, may be seized	239
ports of entry and delivery in	805, 806	collectors of internal revenue to keep record of manufacturers of	864
goods for export to Mexico withdrawn from Eagle Pass	806		

TOBACCO—Continued.

to cause manufacturers of, to be numbered, etc.....	865
drawback of tax paid on, when exported.....	240
inspectors of tobacco and cigars abolished, cigars, bond of manufacturer of.....	511
penalties for removing, without boxing, and other violations of law.....	240
exported, are exempt from internal-revenue tax.....	241
bonds given on withdrawal of, for export, when and how may be canceled.....	note 391

TONNAGE.

rules and fees for measuring.....	378, 379
certification of measurement.....	379
rate of charges on certain vessels.....	note 495, 583
in excess of foreign charges, may be suspended.....	note 495, 583
foreign governments to be invited to abolish refund of tonnage dues when exacted contrary to treaty stipulations.....	495
	196

TOWN SITES,

quantity of lands excluded from pre-emption for.....	138
certain entries in, confirmed.....	138
where site exceeds maximum, what proceedings to be had.....	138
less than maximum, additional entries may be made.....	139
copies of acts incorporating towns to be furnished by secretaries of Territories.....	139
do not include mining rights.....	945
how, may be entered in Oklahoma.....	730, 739, 944
in Alaska.....	944
towns may enter land for cemetery and park purposes.....	810

TRADE DOLLARS,

not a legal tender.....	124
no longer to be issued or coined.....	568

TRADE-MARKS,

registration of.....	322
Commissioner of Patents to decide on claims.....	323
certificates of registry, how issued.....	323
duration of protection.....	323
credit for fee before paid.....	323
registration, prima facie evidence.....	323
counterfeiting, how punished.....	323
restrictions upon action for infringement.....	324
fraudulent.....	324
former rights preserved.....	324
regulations as to transfers.....	324
for foreign countries, how registered here.....	324
used in foreign commerce and with Indian tribes.....	378
articles imitating domestic, not admitted.....	858
record of, to be kept by Secretary of Treasury.....	858
copies to be sent to customs officers.....	858

TRANSPORTATION OF DUTIABLE GOODS IN BOND,

immediate inland transportation in bond of dutiable merchandise.....	293-295, 297
merchandise to be so transported to be entered of record at port of arrival.....	293
to what ports the privileges extended.....	note 293, 294
kind of merchandise subject thereto.....	540
not to be transhipped or unladen.....	540
to be loaded directly from vessel.....	447
to apply only to goods liable to specific duties.....	541
to be examined there, and appraised at port of destination.....	293
to be transported by designated common carriers only.....	293

TRANSPORTATION OF DUTIABLE GOODS IN BOND—Continued.

bond of carriers.....	293
quadruplicate invoices to be taken by consuls, etc., without additional fee.....	293
merchandise not to be so transported when it has been landed ten days.....	294
lieu for freight on, how preserved.....	295
repeal of former provisions on the subject. vessel loaded with certain bulky articles when may unload at any point in collection district.....	295
	446

TRAVEL (See Mileage),

expenses of, only to be allowed to public officers, except, etc.....	66, 81
mileage for, at 8 cents a mile allowed officers of Army in certain cases.....	113
and to officers of Navy.....	109
except when traveling abroad.....	377
expenses of officers of Navy traveling under orders not to be paid unless approved by Secretary.....	59
laws on mileage reviewed.....	81, 756

TREASURER (of United States),

salary of, and of Assistant Treasurer.....	75
assistant may act, when.....	489
acting assistant may be appointed.....	489
in case of absence or death of, who may act.....	489
liability and bondsmen.....	489
force in office of, to carry into effect law for redemption of bank notes.....	76
may in certain cases disburse congressional pay.....	348
Indian trust fund to be in custody of.....	105, 279
to collect interest on same and pay to Secretary of Interior.....	105
to make purchases and sales.....	105
supervising power of Secretary of Interior not affected.....	105
revenues of District of Columbia to be deposited with, and disbursements made by.....	176
power and duties of sinking-fund commissioners of District transferred to.....	179
assistant treasurer at Charleston abolished.....	120

TREASURY, ASSISTANT SECRETARY OF THE,

salary of two.....	75
additional authorized.....	772

TREASURY, DEPARTMENT OF THE
(See *Treasury, Secretary of the; Accounting officers; Treasurer*),

organization and salaries in.....	75
force in carrying out law for redemption of national-bank notes.....	76
reimbursement of, for redemption of national-bank notes.....	76
appointments in, to be distributed among States.....	76
settlement of accounts of Pacific railways. revenues of District to be deposited in Treasury, disbursements made therefrom, and accounts settled.....	254
accounting officers to examine claims under exhausted appropriations, and balances due to be reported to Congress.....	176
divisions of loans and currency created.....	180
to be consolidated.....	76
notes and bonds may be engraved in (See <i>Notes</i>).....	119
Supervising Architect of, to make plans and estimates for public buildings and have same approved before any money expended.....	136
	74

	Page.
TREASURY, SECRETARY OF THE (See <i>Treasury, Department of the</i>),	
miscellaneous provisions,	
salary of two assistants	775
additional assistant authorized	772
may lease unproductive public property	251
authority of, to employ persons to recover money withheld repealed, etc	37
may permit Bureau of Engraving and Printing to furnish portraits, etc	275
to furnish certain agricultural colleges with weights and measures	329
may set off claims of the Government, against judgments, etc	90
may fix time for taking seals in Alaska	6
to appoint cadet lieutenants for Revenue Marine	114
may permit changes of names of vessels	320, 462
duties in relation to carriage of passengers by sea	363-369
duties in relation to importation of foreigners under contract to labor	541, 934
duties in relation to immigration, laws reviewed	note 934
Chinese immigration, laws reviewed	625
(See <i>Immigration</i> .)	
to take measures to prevent export of diseased live stock	436
may remit and refund fines, under laws relating to vessels or seamen (See <i>Refunds; Remissions</i>)	445
duties of, to Mississippi River Commission	269
to place money appropriated to charitable corporations, etc., to credit of fiscal officer of corporation	42
may sell at auction property of Light-House Board no longer needed	42
as to loans and currency,	
to direct printing of national notes on distinctive paper	72, 73
to have three plate printings on bonds, notes, etc	73
where to be printed	73, 136
duties as to redemption of national-bank notes	76
to direct disposal of pulp from maceration of notes	42
to fix compensation of certain occasional examiners of banks	64
as to public buildings (See <i>Buildings, Public</i>),	
to approve plans before any money expended	74
oath to be filed with, by commissioners to select sites	51
persons employed on, to be reported by act authorizing purchase of site or erection of building by, does not appropriate unless so expressed	562
as to accounts, appropriations, and estimates (See <i>Accounts; Appropriations; District of Columbia,—estimates; Estimates</i>),	
how to classify estimates for Navy	317
to transmit to Congress report of receipts and expenditures in Naval service	193
to report amounts allowed by accounting officers	180
to carry unexpended balances to surplus fund	18
all estimates to be reported through, after being classified, etc	470
estimates to be furnished to, by heads of Departments, when	72

	Page.
TREASURY, SECRETARY OF THE— Continued.	
accounts, appropriations, and estimates—Continued.	
what to be included in Book of Estimates to include persons employed on public buildings	72
estimates for District of Columbia, to be approved by	176, 290, 322
to submit estimates for expenses of national loan; permanent appropriation repealed	18
as to claims,	
allowed claims for stores taken by Army to be reported	14
claims allowed by accounting officers to be reported	180, 470
claims of United States, how set off against claims against United States	90
under coinage laws (See <i>Coin; Coin certificates</i>),	
may prescribe regulations for execution of foreign coinage at the mints	3
to issue silver in exchange for notes	124
to purchase, etc., of silver bullion	125
duties of, relating to coinage	152, note 774, 775
may apply surplus money to purchase bonds, etc	321
to establish assay office at St. Louis, Mo. may constitute superintendents of mints and assayers as assistant treasurers to receive gold and issue certificates	315
may transfer to assistant treasurer at New York from bullion fund gold bars for redemption of coin certificates, etc	173
may use coin certificates to pay depositors of bullion at mints and assay offices	200, 250
may issue gold certificates for coin	356
as to Life-Saving Service,	
duties of, under act in relation to	29, 190
may accept and pay volunteer crews	29
may prepare and give medals of honor	30, 193
may make regulations	30
may dispose of condemned articles	30
may remit or mitigate penalties incurred	30
collectors to transmit to, reports of accidents to and probable loss of vessels	30
other duties of, in relation to	190-193
to acquire sites for stations	72
may dispose of condemned articles	30
may remit penalties under	30, 31
as to Pacific railroads,	
to require Pacific Railroad Company to pay to United States percentage on net earnings	40
other duties of, in relation to the Pacific railways	161-164
may protect United States by redeeming prior incumbrances	557
under internal-revenue laws (See <i>Internal revenue</i>),	
may designate one of deputy commissioners of internal revenue to be first	3
appointment of special agents for internal revenue service	222, 468
to approve regulations made by Commissioner of Internal Revenue for remission of taxes on spirits lost by leakage when removed for export	275
for carrying into effect act relating to bonded warehouses for fruit brandy	141
to approve stamps established for internal-revenue use by the Commissioner	243

TREASURY, SECRETARY OF THE—
Continued.

Page.

under internal-revenue laws—Cont'd.
 may remit tax on notes, etc., of mining and other companies used for circulation prior to November, 1873 96
 may unite duties of internal-revenue storekeeper and gauger in one officer. 120
 duties of, in relation to bonds of collectors of internal revenue. 222
 to fix salaries of collectors of internal revenue. 224
 may make allowances to collectors of internal revenue. 225
 to make allowances to deputy collectors. 224
 to approve regulations made by Commissioner of Internal Revenue respecting returns by persons liable to taxes .. 225
 may approve sale or lease of real estate by Commissioner of Internal Revenue. . 228
 to approve stamps for restamping liquors, tobacco, etc., where originals destroyed. 233
 may in certain cases make reimbursements to owners of distilleries which have been seized and destroyed, etc. 234
 may make regulations as to refund of taxes assessed on distillers on account of grain, etc., found in excess of capacity of distillery. 235
 to prescribe stamps for foreign liquors placed in public stores. 236
 to approve regulations for transferring imported cuttings of tobacco, etc., to factory without payment of tax. 239
 duties of, in relation to drawbacks on exported tobacco, snuff, and cigars. 240
 to make regulations for withdrawal of alcohol in bond by institutions of learning. 159
under customs laws
 in refunding customs duties. 82, 83, 754
 amount received as fines, penalties, and forfeitures, and how expended, to be reported. 297
 decisions of, as to customs duties not to be reversed or modified adversely to United States, except, etc. 83
 may decline to acquiesce in decisions of inferior courts. 83
 in refunding customs duties, to make regulations. 83
 to report annually to Congress statement of customs duties refunded. . 83
 may require Attorney-General to appeal cases. 83
 may allow compensation to informers, etc., of violations of customs laws, and shall report same to Congress. . 32
 to require proof where no judicial proceedings are had before allowances. . 32
 powers and duties of, for relief of persons charged with incurring fines, etc., under customs laws. 34
 may remit fines, etc., as under former laws. 34
 applicants for remission to notify district attorneys. 35
 to regulate bonded warehouses, general stores, etc. 36
 to require general-order warehouses to be near landings. 36
 to let public cartage to lowest bidder, subject to regulations, etc. 36
 may appoint inspectors of customs at pay of less than \$3 a day. 321

TREASURY, SECRETARY OF THE—
Continued.

Page.

under customs laws—Continued.
 may increase pay of night inspectors of customs. 292
 may appoint deputy collector for Lake Charles, La. 279
 and, as also other officers, at Seaford, Del. 276
 in Revenue Marine Service. 114
 special agents, rank, number, and pay. 927
 may prescribe rules in relation to transportation bonds given on withdrawal of spirits for export. 12
 may prescribe regulations as to bonded warehouses for cleaning and storing imported rice for exportation. 6
 duties of, in relation to imported merchandise entered for immediate transportation in bond. 293
 with Postmaster-General, to make regulations for payment of duty on books imported by mail. 247
TREATIES,
 to be published in District of Columbia. . 114
 treaty of reciprocity with Sandwich Islands. 121
 act giving effect to. 121
 articles relating to fisheries, etc., in treaty with Great Britain terminated. 422
 volume of Indian, to be printed, bound, etc. 22
 extradition cases to be heard publicly, etc. 371
 subpoenas, witnesses, cost, and evidence 372
TREES,
 unlawfully cutting or injuring, on public lands and reservations. 91
 what may be propagated at public greenhouses in Washington. 202
TRUSSES,
 when to be furnished to soldiers, petty officers, seamen, and marines. 244
 application for, and purchases, how made. 244
TRUST COMPANIES,
 under United States laws to make and publish reports. 108
 in District of Columbia. 870
 (See *District of Columbia,—corporations.*)
TRUSTS,
 act to protect trade against monopolies and. 762, 763
 in restraint of trade declared illegal. . 530, 762
 proceedings. 763
TUNNELS,
 money expended on, for mining purposes deemed expended on lode. 62
TURKEY,
 law ceding right of foreigners in, to hold real estate on certain conditions, accepted for United States. 6
 consular jurisdiction in, suspended. 6

U.

UNEXPENDED APPROPRIATIONS,
 after two years to be covered into Treasury. 18
UNIFORM,
 of postal clerks, route agents, and mail-route messengers to be only a badge. 245
UNITED STATES NOTES (See *Coin Certificates*),
 to be printed on distinctive paper, and to have three plate printings, etc. 72
 limit of issue of. 28, 58, 166
 may be destroyed at Treasury by maceration instead of burning. 42

	Page.		Page.
UNIVERSITIES (See <i>Colleges</i>).		UTAH TERRITORY—Continued.	
USELESS MATERIAL,		Beaver land district in, established, etc.	100
paper in office of Sixth Auditor may be sold.	373	commissions of registration, conducting, etc., elections in	333
in Houses of Congress	382	salary of members	333, 373
in War Department	47	houses of assembly to be judges of elec- tions	333
of Army, how disposed of	39		
in Navy	377, 762		
in Life-Saving Service	30, 191		
of District of Columbia	401		
of Army, etc., supplied to militia of States, etc	538		
in Departments	note 644		
UTAH TERRITORY (See <i>Territories</i> .)		V.	
notaries public in, to be appointed by gov- ernor, etc	50	VERMONT,	
commissioners to be appointed by supreme court of Territory	51	circuit and district courts in, to be held at Rutland and Windsor	10
to have power of circuit court commis- sioners and justices of peace	569		
act relating to bigamy, polygamy, etc., in	331-333, 568-574	VESSELS,	
incorporation of Mormon Church dissolved.	571	shipping articles for crews	780
rights of widows	571	names of, how may be changed	320, 462
marriages in	569	of what port to be painted on stern	444
law in relation to illegitimate children an- nulled	569	net tonnage to be marked on beam	494
certain corporate property in, forfeited	570	fine, if not so marked	494
corporations dissolved	570	name and draft and home port to be marked on stem and stern	894
females not to vote in	572	safe loading draft to be certified, etc	894
voting laws of, annulled	572	rules for measuring tonnage of	378, 379
citizens only to vote	572	fees for measuring, etc	379
election provisions	572, 573	tonnage dues illegally exacted to be re- funded	96
official oath	573	tonnage tax on	495
to be taken by jurors	573	President to invite abolition of	495
schools	573, 574	may suspend tonnage tax	495
militia laws	574	on Western and Northern waters, may have enrollment, etc., in districts where not owned	8
territorial act relating to marshals and attorneys disapproved	51	pleasure yachts may be licensed to sail without entry and clearance	412
laws of United States relating to fees of clerks, marshals, and attorneys to apply in	51	provisions concerning	412
marshal of, to attend all sessions of supreme and district courts of	48	license fee	412, 492, 493
service of process by, mileage, etc	48	vessels to have slop chest on board	442
deputies of, their appointment, bond, oath, etc	48	except whaling and fishing vessels	496
actions for misfeasance of deputies, how brought	48	trading without license, penalty	494
sheriffs of, may serve processes	48	certain canal boats, etc., exempt from cus- toms fees	8
attorney of United States for, to attend all courts, act as prosecuting officer, etc	48	provisions in shipping commissioners' act how applied to vessels in coasting trade, with certain exceptions	493, 780
prosecuting attorney may be elected in any county; his duties, etc	48	alien who has declared intention may be engineer or pilot on	8
costs of prosecutions, how paid	48	owners, agents, and masters of, to report accidents to collectors of customs	30
courts, supreme, to consist of a chief and four associate justices, etc	593, 594	and probable loss of vessels	30
terms of supreme and district	49	penalties on, for neglect	30
jurisdiction of district	49	how prosecuted or remitted	30
of probate courts, to enter lands in trust	49	reports of, to be transmitted to Secretary of Treasury	30
divorce cases may be removed from pro- bate to district	49	liabilities of owners limited	443, 494
justices of peace, their jurisdiction, and appeals from to probate	49	fees for vessels engaged in domestic com- merce for certifying manifest and granting permit, and for receiving certified manifest, etc	465
writs of error from Supreme Court of United States to supreme court of Territory	49, note 901	having on board articles in bulk may un- load elsewhere than at port of entry	446
judge may have assistance of judge of any other district	49	not to be cleared with cattle, or fresh beef on board without certificate of inspec- tion	937, 938
jury list, how prepared, drawing and summoning jury	50	on Mississippi River, etc., above New Or- leans, in coasting trade, exempt from procuring permit to proceed, etc	112
grand jury; duties and powers	50	from infected ports or with infected pas- sengers on board, subject to quaran- tine laws of States	157
not jury, to pronounce punishment	50	Canadian, may aid United States, wrecked or disabled in United States waters	742
desert lands in, may be reclaimed and pur- chased by citizens	137	President may suspend commercial privi- leges to certain countries	496
timber on mineral lands in, may be cut for certain domestic purposes	166	not propelled by sail or internal power, not to pay for enrollment or license	271
		flatboats, barges, etc., for carrying freight not required to be enrolled, regis- tered, or licensed	271

VESSELS—Continued.	Page.
used by common carriers not to be seized for violation of revenue laws, committed without privity of owner, etc.	315
foreign, carrying passengers between United States ports liable to penalty	494
vessels built for foreign account not allowed in coasting trade	858
unfit vessels to be stricken from Navy Register	378
when stricken from Navy Register, to be sold	416-417
from Navy to be furnished for certain nautical schools	25
wrecked and sunken, obstructing navigation, may be removed	296, 802
may be sold before being raised	369
merchandise in wrecked vessels to be regarded as property of salvors	542
merchandise from sunken vessel, after two years, admitted free	861
removal of certain burdens from shipping	440-446
officers of, to be citizens	440
discharge of seamen and payment of wages	440, 441, 442
reclamation of deserters	441
destitute seamen to be sent home	441-442
advance payments, etc., to seamen prohibited	442
slop chest with clothing, etc	442
contents to be sold to seamen	442
vessels excepted	442, 496
masters to require statement of consular services and furnish to collector on arrival, to be reported to Secretary of Treasury	443
hospital tax on seamen abolished	443
liability of owners for debts limited	443
engagement of seamen for	444
alien passengers on vessels between United States and Canada and Mexico not subject to tax until, etc.	370, 444
repeal of laws requiring vessels to carry mails	444
merchandise imported on for immediate delivery, how disposed of	444, 445
inspectors employed for unloading at night to have extra pay	445
having on board goods in bulk may unload elsewhere than at ports of entry	446
goods for immediate transportation in bond to be transferred directly from	447
drawback on coal for use of vessels of United States	495
on materials used in vessels built for foreign account	443
extended to whaling and fishing vessels	496
articles of foreign production for supplies of vessels of United States may be withdrawn duty free	443
materials for ship-building, free importation	858
materials for repairing vessels, free importation	858
under immigration laws, to be inspected when unlawful immigrants are believed to be on board	87
if found, to be returned to	88
forfeiture of, for violation	88
how passengers, other than cabin, are to be carried	363, 367
no person, except, etc., allowed on vessel, until all passengers have landed	367
list of passengers to be delivered to collector, with deaths	367

VESSELS—Continued.	Page.
inspection of vessel on arrival	368
above provisions to apply to vessels carrying passengers from United States	369
tax on immigrants arriving on vessels	370
examination of passengers on	370
master of, bringing aliens in violation of contract-labor law	479
expenses of return of such immigrants to be borne by vessels	542
how enforced	542
immigrants to be examined on vessel	935, 936
landing before inspection to be prevented by officers of vessels	936
return of unlawful immigrants to be at expense of vessel	542, 633, 936
Chinese not allowed to leave vessel until certificates examined, or in violation of law	342
collector to go on board vessel on which Chinese are leaving and make list	458
on arrival, list of Chinese to be furnished	460
vessel forfeited for violation	460
(See <i>Immigration</i> .)	
VICE-PRESIDENT (See <i>President</i>), may send and receive public documents, etc., free of postage	150
VINEGAR , in apparatus for manufacture of, contrivances by which vapor can be converted into spirits not to be used	231
factory not permitted near distillery	231
manufacturers of, may separate alcoholic property from mash, etc.	231
not to remove vinegar with over 2 per cent. of alcohol	231
examination of factories and powers of officers to be same as for distilleries	231
factories for manufacture of, established before March, 1879, within 600 feet of distillery, etc., may be operated, etc.	266
VIRGINIA , terms of courts in	806
Newport News, port of entry	note 346, 439
Cape Charles City a port of entry	492
Richmond a port of entry	284
to have collector, deputy, and surveyor	284
Norfolk and Portsmouth collection district	346
Norfolk, Richmond, Petersburg, Newport News, ports of immediate transportation	293, 294, 439
life-saving stations on coast of	28, 190
superintendent for	28
VITAL STATISTICS , in District of Columbia to be obtained	551
ordinances relating to	310
VOLUNTEERS (in late war) (See <i>Army</i> , <i>Enlisted men of</i> ; <i>Homes for Disabled Volunteers</i> ; <i>Soldiers</i>), charges of desertion removed	692
pay of officers prior to muster	528
certificates of discharge, service under assumed names	714
bounties	598
to colored soldiers, how paid	252, 578
headstones to be furnished for graves and records kept	214
pay-rolls to be lent to War Department	697
W.	
WAR, DEPARTMENT OF (See <i>Army</i> ; <i>War, Secretary of</i>), Assistant Secretary	707
additional persons not to be employed in, except, etc.	17

	Page.		Page.
WAR, DEPARTMENT OF —Continued.		WAR, SECRETARY OF —Continued.	
old materials may be sold and how proceeds to be disposed of.....	74	may sell smooth-bore cannon for experimental purposes.....	468
chief clerk may be authorized to sign requisitions and other papers.....	4	to issue arms to Territories, etc.....	124, 148, 164, 205
Secretary may make rules respecting bids, require bonds of bidders, etc.....	157, 404	to issue heavy guns and mortars to States, when.....	344
all rifle cannon to be tested.....	468	to sell unserviceable ordnance, etc.....	39, 40, 74
smooth-bore cannon may be sold for experimental purposes.....	468	may set aside barracks for Indian training schools.....	362
tests of iron and steel by.....	486	duties of, in relation to Mississippi Commission.....	268, 269
commanding general or chief of bureau may be acting Secretary.....	373	and Missouri River Commission.....	465-467
WAR, SECRETARY OF (See <i>Army; War, Department of</i>),		may draw warrant for operating and repairing canals, etc.....	466
Assistant Secretary.....	707	in relation to Washington City water-works.....	357, 358
commanding general or chief of any military bureau may be designated to act as	373	may remove sunken vessels.....	296, 802
may authorize chief clerk to sign requisitions and other papers in his absence.	4	WAREHOUSES (See <i>Bonded warehouses</i>),	
to establish schools for cavalry and light artillery.....	525	for storing and cleaning imported rice intended for exportation.....	6
may consolidate torpedo station and naval war college at Newport, R. I.....	618	Secretary of Treasury to regulate.....	36
to designate quartermaster and commissary for cadets at Military Academy.....	115	to require general-order houses to be near landings.....	36
may assign any officer as professor of law at Military Academy.....	290	materials for repairs of vessels may be withdrawn free of duty.....	858
may grant leaves of absence to officers without deduction of pay.....	113	preparations in, containing spirits, may be manufactured in, for export.....	858
to appoint hospital stewards and privates of hospital corps.....	549	imported materials intended for export may be removed into.....	859
may furnish arms and ammunition to departments to protect public property.....	253	no imported articles to be taken out except for export.....	859
to establish harbor lines.....	514, 803	smelting or refining metal works may be made.....	861
to report names of civil engineers employed in improvement on rivers and harbors.....	515	customs officers not to be interested in.....	36
to provide against obstruction to navigation by bridges.....	466, 610, 800	distillery, how may be used by successor on death or change of business.....	1, 2
wharves, etc., not to be built in navigable waters without permission of.....	801	spirits belonging to former occupant to be separated by partition.....	2
may make rules respecting bids for contracts, require bonds of bidders, etc.....	157, 404	drawing off, gauging, marking, and removal of spirits to.....	286
in contracts for public improvements to give preference to materials of domestic manufacture and labor.....	82	entry and giving bond.....	286
sunken vessels obstructing navigation may be removed by.....	296, 369, 802	when loss on spirits in, is excessive, whole quantity to be assessed.....	286
may be sold before removal.....	369	distilled spirits may be withdrawn by manufacturers of sugar from sorghum without tax.....	930
may issue ordnance stores, etc., to colleges..	620	withdrawal of spirits on payment of tax..	232
to high school in Washington.....	955	form of entry for.....	232
to make frequent inquiries as to necessity, economy, etc., of disbursements by officers of Army, and report thereon.....	9	storekeeper's duties.....	232
may make rules in regard to bids.....	157, 404	spirits may be withdrawn in packages of any size.....	287
to include in annual estimate an estimate for Home for Disabled Volunteers..	72	withdrawn for export without tax.....	288
(See <i>Home for Disabled Volunteers.</i>)		allowances for leakage.....	288
report of receipts and expenditures of telegraph lines to be made to.....	74	when alcohol may be withdrawn from, without payment of tax, for manufacture of perfumery, &c.....	288
to have care of national cemeteries and submit estimates of Congress.....	113	for grape and other fruit brandy.....	139
may erect head-stones at graves of soldiers in private cemeteries.....	214	control and regulations of.....	139
to preserve record of names and burial places of all soldiers in private cemeteries.....	214	tax to be paid on monthly returns and brandy to be removed to.....	139
to appoint one post trader at each military post.....	113	special stamp to be affixed before brandy removed from.....	139
may direct that military headquarters be established where Government owns buildings.....	268	conditions of deposit.....	140
to set up machine for testing iron and steel.....	202, 486	withdrawal from, for transfer or export.....	140
to cause military supplies to be made at military prison.....	251	provisions of law applicable to exportation of grape brandy.....	140
rifled cannon made at cost of United States to be tested.....	468	may be discontinued.....	140
		tax on grape brandy removed without compliance with act.....	141
		payment of tax not extended beyond three years.....	141
		rules and regulations, and penalties.....	141
		spirits may be withdrawn from, for export by giving transportation bond.....	12
		proceedings therefor.....	12, 236

	Page.
WARRANTS (land), law for reissue on loss, &c., of, extended to agricultural college land scrip....	19
WASHINGTON (D. C.) (See <i>District of Columbia</i>), such trees to be propagated in public green- houses and nurseries as are suitable for reservations.....	202
bathing beach, etc., in	807
book-making and pool-selling and gambling within one mile of	900
WASHINGTON (D. C.) HUMANE SO- CIETY , formerly association for prevention of cruelty to animals	474
provisions concerning	474, 475
WASHINGTON (State), act for admission of, into Union..... note 645-650	
judicial districts and terms of courts in..	711, 712
life-saving stations on coast of	28
claims on account of settlements on lands in certain military reservations made valid and patents to issue.....	131, 132
desert lands in, may be reclaimed and pur- chased by citizens	137
Yakima land district in	300
register and receiver for.....	300
Whitman land district in, established	123
with office at Colfax until changed by the President	123
register and receiver for.....	123
lands in, subject to sale	123
Chehalis and Olympia land districts.....	741
timber lands in, to be sold	167-169
collection districts in	336, 337, 739
ports of entry and delivery for benefits of immediate transportation in bond..	789, 790
collection districts in	336
WASTE PAPER (See <i>Useless Material</i>),	
WEATHER , maps to be published only under specific appropriation	513
WEATHER BUREAU , civilian duties of, transferred to Depart- ment of Agriculture Weather Bu- reau	879
Signal Corps to remain part of Military Establishment	879
of what officers to consist	880
appointments after examination	880, 881
enlisted force of	880
changes may be made in, to reduce ex- penses	931
WEIGHTS AND MEASURES , to be furnished to certain agricultural col- leges	329
repairs of, how ordered	772
WEST VIRGINIA , courts of, when to be held	153, note 207, 587
provisions as to circuit courts in	note 638-640
WILLS (See <i>District of Columbia,—real estate; Supreme Court of</i>), in District of Columbia pass after-acquired real estate, when	519
record of, to be prima facie evidence.....	596
WINES (See <i>Internal Revenue</i>), duties on (See <i>Tariff of 1890</i>).	

	Page.
WINES —Continued. vintners and manufacturers of, from grapes of their own growth not to pay tax.	230
WISCONSIN , circuit and district courts in	14, 515
owners of saw mills on St. Croix River may construct piers, etc	338
WITNESSES , informers, &c., under customs laws may be.	33
defendants in criminal cases may be	155
residing in Dist. of Col. before committees of House allowed only \$3 a day.....	100
fees of, in United States courts in Colorado in cases of bigamy and polygamy.....	302
before Interstate Commerce Commission in investigation of business of common carriers	568
WOMEN , admitted to practice in Supreme Court... ..	217
not allowed to accompany troops as laun- dresses, except, &c	189
immigration of, for purpose of prostitution forbidden	87
WRECKS (See <i>Life-Saving Service</i>), Canadian vessels may aid wrecked vessels in United States waters	742
sunken vessels obstructing navigation to be removed	296, 297, 369, 542, 802
merchandise in, when raised to be admitted free of duty	861
WRITS OF ERROR (See <i>Appeals; Circuit courts of appeals; Supreme Court</i>), death of party to judgment in circuit court before time for bringing, ex- pires.....	85
from Supreme Court and from circuit courts of appeals..... note 901, 903	
from Supreme Court of United States to supreme court of Utah in certain cases	49
WYOMING , act admitting into Union	note 768-771
boundaries	768
lands granted for schools.....	768, 769, 770
for public buildings.....	769
for university	769
for fish hatchery	769
for agricultural college.....	769
for internal improvements.....	769, 770
provisions as to lands granted.....	770
a judicial district, courts, officers, etc., note 770, 771	
Territorial laws to remain in force, etc....	771
Evanston land district.....	116
Buffalo land district.....	563
other land districts	715, 716
timber on mineral lands in, may be cut for certain domestic purposes.....	166
desert lands in, may be reclaimed and pur- chased by citizens	137
school and university lands in, to be leased	609
Y.	
YACHTS (See <i>Vessels</i>), pleasure yachts may be licensed to sail without entry and clearance	412
provisions concerning	412